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THE QUARTERLY

OF THE

TEXAS STATE HISTORICAL ASSOCIATION

VOL. VIII.

APRIL, 1905.

No. 4.

The publication committee and the editors disclaim responsibility for views expressed by contributors to THE QUARTERLY.

THE MUNICIPAL GOVERNMENT OF SAN FERNANDO
DE BEXAR, 1730-1800.¹

MATTIE ALICE AUSTIN.

In their efforts to civilize and christianize the Indians of Texas, and to hold it against the encroachments of the French, the Spaniards employed three instrumentalities: the mission, the *presidio*, and the civil settlement. These were tried, not all together at the outset, but successively, in the order mentioned, in accordance with the demands of circumstances. The development of the plans for the colonization of Texas was further affected by the fact that these plans were worked out by two different agencies—the gov-

¹In the preparation of this paper four classes of material have been used: (1) public archives of Mexico and of Texas under the Spanish and Mexican government; (2) contemporaneous accounts of early mission work in Texas; (3) laws relative to the organization of Spanish settlements and documents throwing light on the construction of these laws; (4) and the works of authorities on South-western history. Of the first class are the Béxar Archives; the Nacogdoches Archives; the V. O. King Collection of Texas Documents; and copies of various documents in the *Archivo General de Mexico in Sección de Historia, Sección de Provincias Internas, Ramo de Reales Cédulas*, and *Memorias de Nueva España*. The Béxar Archives contain a large part of the public documents connected with the Spanish and Mexican occupation of Texas for over a century. They consist of official correspondence, local records, etc., that were collected at Béxar, or San Antonio, which was the capital of

ernment and the missionaries—who responded in inverse order to the two motives that have been indicated. To the government the thing of prime importance was the keeping back of the French; while the efforts of the *padres* were directed mainly toward the spread of the catholic religion and the elements of civilization among the Indians. Each was, however, affected by the special motive of the other; and, as a rule, they worked in more or less hearty co-operation. This will be made clear by a brief summary

Texas during practically the whole of the period from 1731 to 1836. When the Mexicans were driven from Texas, the archives were left in the hands of the Americans. With the exception of some papers that were sent to the office of the Secretary of State at Austin in 1841, they remained in the possession of Béxar County till 1898, when they were turned over to the University of Texas. Had they been kept intact, they would have furnished nearly all the information obtained from the other sources included in the first class of material used, and would have thrown a great deal more light on the settlement of the Canary Islanders, and the workings of their municipal government. They have, however, in the course of time, become very much scattered. Some of them have been mixed with other collections. The Nacogdoches Archives and the V. O. King Collection, for instance, both contain documents that were evidently once a part of the Béxar Archives. Some of the documents that must originally have belonged to these archives are known to be in private hands, while the whereabouts of many such papers is, as yet, unknown. The Nacogdoches Archives, consisting originally of local records relative to that place, were transferred from Nacogdoches to the office of the Secretary of State at Austin in 1850, and remained there till 1878, when they were turned over to the Texas State Library at Austin. It must have been during the interval while the papers remained in the office of the Secretary of State that they became mixed with the Béxar Archives. The V. O. King Collection, which has recently been given to the State Library, contains various documents relative to the history of Texas, among them being translations of several documents once in the Béxar Archives, but now missing. Fortunately, copies of many such documents were made and sent to Mexico, and, therefore, the information gained from the public archives of Texas was supplemented by the use of materials copied from the *Archivo General de Mexico in Sección de Historia, LXXXIV*, and *Sección de Provincias Internas, XXXII. Memorias de Nueva España, XXVII and XXVIII*, and *Ramo de Reales Cédulas, XLIV*, in the *Archivo General*, contain many documents relative to the very early history of Texas. The contemporaneous accounts of the early mission work in Texas I have used are the *Relacion* of Fray Francisco de Jesus María (belonging to the Agricultural and Mechanical College of Texas) which is the earliest account of this work yet known, and

of the early efforts of the Spaniards to occupy Texas, showing the operation of the motives and the use made of the instrumentalities already named.

The missionaries having heard of the rich and fertile country of the Texas,¹ became interested in the conversion of its inhabitants as early as 1683; and they tried, though without avail, to secure the co-operation of the government for this purpose. The project of Peñalosa for the conquest of Quivira, which, according

Espinosa's *Chronica Apostolica y Seraphica de Todos los Colegios de Propaganda Fide de Esta Nueva España de Missioneros Fransicanos Observantes*. Espinosa was in Texas during the greater part of the period covered by the *Chronica* and his evidence should be valuable,—although a cursory examination shows that he followed many of the documents in *Memorias de Nueva España*, XXVII and XXVIII very closely, in fact, copying long extracts without acknowledgment and so exactly as to deserve the accusation of plagiarism. The main body of laws relative to the organization of Spanish colonial settlements is the *Recopilacion de Leyes de los Reynos de las Indias*. In the use of this work, light was thrown upon certain points by the *Novísima Recopilacion de las Leyes de España*, lib. XII, tit. XXV, and *Los Codigos Españoles*, lib. VIII, tit. XII. The *Ordinances and Instructions of Don Alexander O'Reilly* in French's *Historical Collections of Louisiana*, V was valuable in the interpretation of the *Recopilacion*, while the *Coleccion de los Decretos y Ordenes que han Expedido las Córtes Generales y Extraordinarios desde 24 de Setiembre de 1811 hasta 24 de Mayo de 1812*, Tomo II, was found useful in the same connection. In addition to these sources I have used the following authorities: Bancroft, *North Mexican States and Texas*; Blackmar, *Spanish Institutions of the Southwest*; Bourne, *Spain in America*; Moses, *The Establishment of Municipal Government in San Francisco*, in *Johns Hopkins University Studies in Historical and Political Science* VII; Yoakum, *History of Texas*; and *The Quarterly of the Texas State Historical Association*, II, IV, V, and VI.

My special acknowledgment are due to Dr. George P. Garrison, Miss Lilia M. Casfs, and Dr. Herbert E. Bolton for encouragement, suggestions, corrections, and assistance in translations.—MATTIE ALICE AUSTIN.

¹At the beginning of the Spanish occupation, that portion of Texas inhabited by the Asinai Indians was usually thus designated by the Spaniards, although this nation was but a part of the Texas confederacy. (See *Dictamen Fiscal, Mexico y Noviembre 30, de 1716*, in *Memorias de Nueva España*, XXVII, 175-209; *Representn. hecha á su Exa. por los R. R. Pads. Misioneros*, *ibid.*, 163-165; and *Carta del P. F. Antonio de Olivares á S. Exa.*, *ibid.*, 165 *vta.*—196) For the careless use of the two names, Asinai and Texas, and the attitude of Padre Francisco de Jesus María toward this, see his *Relación*, 107 *vta.*—108, and 111 *vta.*—112.

to reports, lay next to the country of the Texas, whose inhabitants were of a superior character, brought the matter still more prominently before the government. These two circumstances together with reports, which reached the City of Mexico in 1684, of the coming of the French to settle on the Gulf of Mexico, finally forced the Spaniards to action. The government at once fitted out a series of expeditions both by land and by sea to find and expel these intruders. The third of the land expeditions (1689) succeeded in reaching the French settlement which was located on la Bahía del Espíritu Santo; but found that all of the intruders, with the exception of a few scattered among the Indians, had died either by disease or by violence at the hands of the savages. While trying to find some of the French who had escaped, the Spaniards, who were encamped on the Guadalupe River, were visited by the governor of the Texas Indians accompanied by eight of his men. A missionary, Padre Manzanet, who is to be remembered as the originator of mission work in Texas, had joined the expedition; and, judging from what he saw of these Indians that they were tractable,¹ he was filled with the desire to attempt their conversion. The fact that the Indians themselves requested that missionaries should be sent to them encouraged him in this undertaking. The military commander of the expedition, Alonso de León, having made a favorable report of these Indians to the viceroy, sent to the College of Querétaro² to ask for missionaries to begin this great work. Padre Manzanet, together with three religious

¹According to the laws prescribing the method to be followed in the settlement of any new country, the order of procedure, after discovery and pacification, was first Christianization, then colonization. (*Recopilación, lib. IV, tit. I, ley i.*) After the Texas Indians were found to be friendly (*cf. ibid., tit. IV, ley vi.*) the first efforts of the government were directed toward the spread of religion among them. Missionaries were sent out at the expense of the royal treasury. (*Cf. ibid., tit. IV, ley iii.*) The laws of the Indies required that the conversion of the savages should be brought about by the kindest and most gentle treatment. (*ibid., tit. IV, leyes i and ii.*) It was the policy of the government to rely solely upon the missionaries if they were able to convert the Indians without aid. (*Cf. ibid., leyes iv and vi.*)

²Mission work in Texas was under the direction of the Franciscan friars. Missionaries were secured from the College of Santa Cruz at Querétaro, and from that of Nuestra Señora de Guadalupe at Zacatecas. The Zaca-

from the College of Querétaro appointed to assist in the undertaking, joined a party of soldiers, under the leadership again of De León, which was sent out in 1690 to find any Frenchmen that might still be remaining in the country, and to assist in the inauguration of the mission movement. For the time, the mission was regarded as sufficient for the purposes of both the government and the *padres*, although De León suggested in a report to the viceroy that *presidios* be established along the route from Coahuila to the country of the Texas. At San Francisco de los Texas, which was the first mission founded in Texas, and the only one established by this expedition,¹ three soldiers were stationed as a guard. This was in accordance with the viceroy's instructions to the effect that no large force should be left in the country unless the Texas Indians proved dangerous; and, in that event, only the number asked for by Padre Manzanet. De León insisted on leaving a force of fifty men to guard the mission. Padre Manzanet, however, considered this entirely unnecessary and even unwise; but he consented that three soldiers should remain. The objective point of this expedition was the country of the Texas Indians, because it was among them that the outlook for missionary work seemed most promising. In the course of the advance of the French up Red River this district became the north-eastern frontier of Spanish occupation. The bay of Espíritu Santo, where the French had been first discovered, was, for the time, neglected. The advantages of the locality which later became the center of Spanish attention, and was known as Béxar (San Antonio) had not yet been recog-

tecans did not begin their work until 1716. As to the way in which the work was first divided between the two colleges see *Representn. hecha á su E^{xa}. por los R. R. Pads. Misioneros*.

¹Another mission, Santísimo Nombre de María, was founded by Padre Francisco de Jesus María in June, 1690, after De León had returned to Coahuila. It was placed on a small river, Archangel Miguel, and was a few miles to the north of San Francisco de los Texas which had also been placed among the Asinais Indians. (*Relacion* of Fray Franco. de Jesus María; and *Descripcion y diaria demarcacion executada por el General D. Domingo Terán principiada en 16 de Mayo, de 1691 y finalizada en 15 de Abl. de 1692*, in *Memorias de Nueva España*, XXVII, 23-74.) After Texas was abandoned in 1693, this mission was not heard of again.

nized by the government, and it was left meanwhile unoccupied and nameless.¹

The next year, encouraged by the work among the Indians, the government sent out another expedition under the leadership of Don Domingo Terán the purpose of which was to found missions, to see if there were any foreigners—especially French—in Texas, and to explore the country. With Terán went Padre Manzanet, four Observants, four Barefooted Friars, and two other Franciscans from the College of Querétaro..² The government was willing to encourage the work of the *padres*, as it fully realized the importance of Texas for the purpose of resisting French invasion. Upon Terán's return to Coahuila, he left only ten men and one corporal to guard the two missions, San Francisco and Santísimo Nombre de María. Again the eastern frontier alone was guarded. Both the Texas and the Cadodachos Indians were to be Christianized.³

¹This account is based upon Bonilla, *A Brief Compendium of the Events which have Occurred in the Province of Texas from its Conquest, or Reduction, to the present date*, THE QUARTETLY VIII, (Translation by Elizabeth Howard West.); Espinosa, *Chronica Apostolica y Seraphica de todos los Colegios de Propaganda Fide de Esta Nueva España, de Misioneros Franciscanos Observantes*; Letter of Don Damian Manzanet to Don Carlos de Sigüenza Relative to the Discovery of the Bay of Espiritu Santo, THE QUARTERLY II (Translation by Lilia M. Casís); *Derrotero de la Jornada que hizo el General Alonzo De Leon para el descubrimiento de la Bâhia del Espiritu Santo y Poblacion de Franceses: Año de 1689*, in *Memorias de Nueva España*, XXVII, 1-16; *Dictamen Fiscal, Mexico y Noviembre 30, de 1716*; Bancroft, *North Mexican States and Texas*, I.

²The several authorities consulted, here as in many places in the remainder of the summary, differ as to the number of missionaries included in the various expeditions, and the number of soldiers left in the country after these *entradas*. Since it is my purpose, however, only to show that missionaries and soldiers were sent out in small numbers, these various differences have not been noted. Espinosa is usually followed in giving the number of the religious, Bonilla in giving the number of soldiers.

³For Terán's expedition I have used Espinosa, *Chronica*; Bonilla, *Brief Compendium*; *Instrucciones dadas por el Superior Gobierno, pa. que se observen en la entrada de la Provincia de texas*, in *Memorias de Nueva España*, XXVII, 16-23; *Descripcion y diaria demarcacion executada por el General D. Domingo Terán principiada en 16 de Mayo de 1691, y finalizada en 15 de Abl 1692*.

The *padres* experienced great difficulties in dealing with the savages—the Texas Indians even declaring that they were tired of the Spaniards. The government furnished no aid; and in 1693, the missionaries were forced to abandon the country. Nothing further was done toward its occupation for over twenty years, although the *padres*, who by this time, had come to realize that soldiers were needed to enable them to convert the Indians, were urgent in their request for troops.¹

In 1715, the entrance of Saint Denis, who had been sent out from Louisiana by Cadillac, at the instance of Antoine Crozat, to establish commercial relations with Texas, aroused the government to action. It dispatched under Domingo Ramón an expedition whose object, again, was to found missions to serve the double purpose of keeping back the French and of christianizing the Indians. The College of Zactecas, which had been founded at the beginning of the century, sent out with Ramón eight representatives. Their number was strengthened by the addition of five missionaries from Querétaro. Mission San Francisco was re-established about four leagues to the east of its original location, while three new missions, Purísima Concepción, Nuestra Señora de Guadalupe, and San Joseph, were founded—the first among the Asinais Indians, the second among the Nacogdoches, and the third among the Nazonos. Ramón founded also a *presidio* in the Texas country. These establishments, as will be seen, were all placed on the eastern frontier where, it was thought, lay the great danger of French invasion. Ramón left only twenty-five soldiers in Texas, but was of the opinion that at least twenty-five more were needed. Although he saw the necessity for a larger force of soldiers, and reported that the missionaries were practically helpless without this guard, some aggressive move on the part of the French was needed before any action could be expected from the government.²

¹See Espinosa, *Chronica; Dictamen Fiscal, Mexico y Noviembre 30, de 1716*; Bancroft, *North Mexican States and Texas*, I.

²For Ramón's expedition see Espinosa, *Chronica; Representacion hecha por el Capitan Domingo Ramon a su Exa.*, in *Memorias de Nueva España*, XXVII, 159-162; *Derrotero para las Misiones de los Presidios Internos*, *ibid.*, 135 *vta.*—159; *Diario del Viaje del Marqués de San Miguel de Aguayo*, *ibid.*, XXVIII, 1-61 *vta.*; and *Dictamen Fiscal, Mexico y Noviembre 30, de 1716*.

The last missions founded during this period¹ were Santísima Virgen de los Dolores and San Miguel de los Adaes. These were established by Padre Margil, the most prominent representative from the College of Zacatecas, as Padre Espinosa was from that of Querétaro. These two missions were also placed on the eastern frontier. No soldiers were left at either. Until this time, with the exception of Santísimo Nombre de María, all missions in Texas had been founded in the course of some military *entrada* and under government direction. The detachments of soldiers left by these successive expeditions numbered respectively three, ten, twenty-five. It seems to have been the policy of the government to increase the number,² even though it could not be done adequately.

With the year 1718 came a change of policy. The government having realized that the mission alone was ineffectual, placed all three of the instrumentalities in operation together. French encroachment again furnished the motive for an attempt to occupy Texas. In 1716 and 1717, the *padres* had reported that there was danger from the French on the eastern frontier; and, as a means of warding it off, they had planned to found a mission among the Cadodachos. They had asked for fifty men to be settled here as well as for fifty to be placed in the country of the Texas. Reports of the projects of the French for settling Bahía del Espíritu Santo had increased the fear of the Spaniards that the whole country would be overrun, and its trade monopolized. It was, therefore, thought wise to guard the threatened points.

In November, 1716, the *fiscal* advised several measures. A mission was to be founded among the Cadodachos Indians. A permanent settlement was to be formed in the Texas country, and mission work among these Indians continued. A mission that Padre Olivares had planned to establish on the banks of the San Antonio River was, by all means, to be founded since it could be used to prevent invasion through Bahía del Espíritu Santo, and as a connecting link between this bay, when settled, and the country of the Texas. A place was to be selected as headquarters for the missions on the eastern frontier, and to be fortified with moated

¹See p. 283, *ante*.

²For the work of Margil see Espinosa, *Chronica*.

houses of stone (*casas de piedra fuertes*).¹ This was to be used as barracks for the soldiers until a *presidio* supplied with artillery might be founded. The building of the *presidio* and the settlement of Bahía were to be deferred until the king might be consulted in the matter.²

In pursuance of this advice, orders were issued for the establishment of one or more missions between the San Antonio and Guadalupe Rivers. Instructions were given that in locating these missions and the Indian settlements connected with them, space should be left for the founding of two cities or villas which, as time passed, would be needed as capitals of the province. A settlement containing at least thirty families was to be, at once, begun on the San Antonio River. As early as 1690, Padre Manzanet had suggested that this region was especially well suited for the founding of a mission. In 1693, he had advised that the work among the Texas Indians be abandoned, since they could not be induced to settle in *pueblos*.³ Later, as a result of this suggestion, an attempt was made to establish the missions nearer Coahuila. The report of Padre Olivares concerning the country between the Rio Grande and the country of the Texas, suggesting the San Antonio River as a suitable place for founding the mission he had planned to establish, again attracted the attention of the government to this locality. It will be noticed that the three important points, the eastern frontier, Bahía, and Béxar were now all in the mind of the government at the same time. It is interesting to note how Béxar arose into prominence as a result of the way in which these plans were executed.

In March, 1718, Don Martin de Alarcón was appointed to lead an expedition into Texas to carry out the orders of the government. He was accompanied by some seven or eight priests who were to continue mission work. Although instructions were not

¹*Cf. Recopilacion, lib. IV, tit. IV, ley vii.*

²For the decision of the king in regard to these questions see royal *cédula*, June 18, 1718, *Ramo de Reales Cédulas* LXXXIX, 161-166.

³Long before this time, it had been decided that this was the most effective means of Christianizing the Indians. See *Recopilacion, lib. II, tit. III, ley i.*

fully followed,¹ thirty families were settled on the banks of the San Antonio River² near its head, and thus the government took the first step toward the formation of a settlement that might be expected to endure.³ The *presidio* of San Antonio de Béxar which had been founded by Alarcón, and the mission of San Antonio de Valero which had been founded just before by Padre Olivares were placed near this settlement. Hitherto the Texas country had been the objective point of occupation. Now, Béxar, which was to become the final rallying point of the Spaniards, begins to rise into view; while the eastern frontier becomes a secondary consideration, and finally relatively unimportant. Béxar was at first founded to prevent invasion through Bahía, while later the settlement at Bahía was kept up as a means of protecting the more important stronghold on the San Antonio River. The military policy in accordance with which Alarcón had been sent out to Texas was not at this time followed up; for, when he asked for additional troops, his request was refused. He visited the eastern frontier, and added some six or seven soldiers to again make the number twenty-five, which had been left by Ramón. These with the soldiers and their families settled at Béxar completed the guard for the entire country. The settlement and fortification of Bahía were entirely neglected.⁴

The next movement toward occupation came in 1721, when as a result of the French invasion of 1719, a more strenuous military

¹Espinosa, *Chronica*, 448.

²Cf. *ibid.*, lib. IV, tit. VII, ley v. For a description of the kind of places to be selected for settlement, see *ibid.* leyes i, iii, and vi, and tit. V, leyes i and ii.

³In 1787, the *cabildo* in a petition presented to Governor Rafael Martínez Pacheco, protesting against the decision of Governor Cabello in regard to the ownership of certain stock in Texas, tells the story of the settlement of Texas from 1715 to 1722. It is strange that in this account no mention is made of the families settled by Alarcón. (*Representación . . . que la Republica de la villa de San Fernando . . . ha puesto a los pies de . . . Rafael Martínez Pacheco*, etc., 1787, Bexár Archives.)

⁴For Alarcón's expedition see Espinosa, *Chronica*; Bonilla, *Brief Compendium; Dictamen Fiscal*, in *Memorias de Nueva España*, XXVII, 171 vta.—175; *Dictamen Fiscal, Mexico y Noviembre 30, de 1716*; *Carta del P. Fray Antonio de Olivares á S. Exa.*, *ibid.*, 169-171 vta.; *Junta de*

policy was undertaken. For the time, almost the entire attention of the government was directed toward the foundation of *presidios* garrisoned by a much larger force than had ever before been used. Marqués de San Miguel de Aguayo was entrusted with this work. He restored the *presidio* in the Texas country, founded those of Adaes and Bahía, and moved that of Béxar to a more satisfactory location. As in the previous expedition, however, the mission and a modified form of the civil settlement were also used. Aguayo was accompanied by representatives of both the College of Querétaro and that of Zacatecas—to the number of nine—and the following missions were established: San José de Aguayo, San Xavier de Náxera, and Espíritu Santo de Zuñiga. The first two were at Béxar, the last, as its name would indicate, was at Bahía. Aguayo also settled families of soldiers at Adaes. He left the province garrisoned by a force of two hundred and sixty-eight soldiers—one hundred at Adaes, ninety at Bahía, twenty-five in the Texas country, and fifty-three at Béxar.¹

The policy of the military occupation of Texas was not followed up. In 1727, when Pedro de Rivera made his tour of inspection into that country, he decided that the missions had proved ineffectual in inducing the natives to settle in *pueblos*, and that danger from French invasion was not so imminent as to demand the presence of a strong military force in Texas. The number of soldiers stationed in the province was, therefore, much reduced, and the *presidio* in the Texas country was abandoned.²

The mission alone, and the mission guarded by the *presidio* having proved ineffectual, the government resorted to actual colonization, thus trying the last means known to the Spanish system. The *padres* were the first to realize the necessity for this step, and had long before suggested the plan to the government. In fact, the idea was developing throughout the whole period in which military

Guerra y Hacienda, Mexico y Diciembre 2 de 1716 años, ibid., 209-223; *Directorio ó Instrucciones para el Viage á la Provincia de Texas, ibid.*, 228 *vta.*—235; and *Relacion de los empleos Meritos, y Servicios del Sargento Mayor Don Martín de Alarcon, etc., ibid.*, 235 *vta.*—248 *vta.*

¹For Aguayo's work see Espinosa, *Chronica*; Bonilla, *Brief Compendium*; and *Diario del Viage del Marqués de San Miguel de Aguayo*.

²For Rivera's work see Bonilla, *Brief Compendium*; Espinosa, *Chronica*.

occupation was most strongly emphasized; and, as has been shown, a modified form of the civil settlement—the colony of citizen soldiers—had already been used. The plan, however, of settling families other than soldiers, and granting them municipal rights was not tried until all other means had failed. How gradual was the development of the plan of employing the purely civil settlement may be seen from an examination of the various efforts of the government to strengthen its hold on the country from 1718, when the first soldiers with their families were settled in the country, to 1731, when the fully matured plan was carried out in the founding of the villa¹ of San Fernando de Béxar.

Even as early as 1691, Padre Francisco de Jesus María had suggested the settlement of families among the Asinais Indians,² but it was not until about 1716 that the plan seems to have been urged upon the authorities. In July of this year, the missionaries had suggested the placing of families on the eastern frontier. In the same year, they had asked that fifty men be settled in the Cado-dachos country, and fifty among the Texas Indians. In 1716, also, Padre Olivares, in writing to the viceroy of his plans for founding the mission of San Antonio de Padua on the San Antonio River, asked that families be sent in addition to the soldiers he had thought necessary. The first settlers, however, sent into Texas by the government were those brought out by Alarcón in 1718.³ The sending of these families may have been the direct outcome of the request of Padre Olivares.

The next step taken toward the settlement of families was in

¹In Texas, the term villa seems to have been applied exclusively to corporate towns. San Fernando, the only settlement possessing a municipal government during the period of Spanish rule, was the only place thus designated. To the end of the eighteenth century, Nacogdoches, which was governed by the commander of the military force stationed at that point, was always referred to as a *pueblo*. Compare Blackmar's statement as to the use of the term in California. (*Spanish Institutions of the Southwest*, 153.)

²*Relacion*, 113.

³Four of the soldiers taken out by Ramón were accompanied by their wives. (*Informe dado á S. Exa.*, in *Memorias de Nueva España*, XXVII, 132 *vta.* 133 *vta.*) Their presence, however, can hardly be taken as indicating a policy of the government.

response to the suggestion of the *padres*. Disgusted with Alarcón's failure to execute orders,¹ one of them went to Mexico and made a report to the viceroy. By representing the imminent danger of French invasion and the consequent necessity for settlers this religious, Fr. Mathias Sanz, succeeded in obtaining from the viceroy an order that families be sought for at once to settle in villas. The plan was not carried out at this time, and nothing further was done in this direction until Padre Espinosa took the matter in hand.

Some time after Aguayo entered Texas, this priest went to Mexico, and laid before the viceroy his plan for making the Spanish hold on the country permanent. He says: "I had sufficient opportunity for conferring with the Marqués de Valero and with others in high positions concerning the condition of that poor province—Texas; and I shall never have to feel regret for not having proposed, as far as my limitations would permit, the most suitable means for the settlement and permanent occupation of that fertile country. That the plans of all the missionaries, counting Padre Margil in this number, might be evident to all, [I stated that] it was our opinion that, in accordance with the *Leyes de la Nueva Recopilacion de las Indias*,² married men with their families, who should desire to volunteer as settlers,³ should be taken instead of conscripts—as were the majority of those previously taken (although I am not speaking of all). To the men was to be given, for two years, the pay of soldiers, to their wives and to their children over fifteen years of age half pay—this to be furnished in money in order that they might carry everything necessary for settlers. Upon their arrival in the province, land was to be assigned each family to cultivate⁴—this to become the property of

¹One of the chief complaints they made against him was his failure to bring mechanics as the orders given him had directed. That such men should be sent out to Texas had been recognized by Padre Manzanet in 1690. (*Dictamen Fiscal, Mexico y Noviembre 30, de 1716, 183 vta.*) Now after this long interval of waiting they were disappointed.

²The word *Nueva* in this reference must be due to some inadvertence. (See p. 300, *post.*)

³*Cf. Recopilacion, lib. IV, tit. V, leyes v, vi, and x.*

⁴*Cf. ibid., ley x.*

the said family. The families would doubtless cultivate the lands, regarding their labors as a means of leaving an inheritance to their children. The latter, being reared in the province, would look upon it as their fatherland.¹ I, likewise, proposed that among these families there should be some men understanding the trades and liberal arts. Of this class of people, many could be easily found who, not being comfortable in the cities, would gladly go to try their fortunes in a new country."² Espinosa began the work of carrying out this plan by securing from the viceroy an order authorizing him to procure families. Seven poor families with trades offered to go in the hopes of bettering their miserable condition. The undertaking was, however, frustrated by the suggestion of those managing the affair that it would be better to secure the recruits from various cities. This was done to Espinosa's displeasure, for he complains that but few persons went voluntarily, but that most of them were taken from prison. With these recruits he joined Aguayo in his expedition into Texas. These settlers located on the banks of the San Antonio River.³

It is quite evident from all the preceding evidence that the plan of settling families originated among the *padres*. The first request for settlers had come from them, and the first families of soldiers sent out were in a degree placed under their control. Padre Espinosa distinctly claimed that the plan he laid before the viceroy for the settlement of families was the work of the missionaries. His plan was essentially the same as that followed in Alarcón's instructions. This supposition is further borne out by the fact that Espinosa, a religious, is the only authority yet found who gives any detailed account of the settlement of families during Aguayo's expedition. It does not seem to have been a matter of any special interest to Aguayo for he mentions the settlement of

¹In 1690, Padre Manzanet, had suggested the sending out to Texas of boys, who, having been reared in that country, would learn to love it, and would be able to win the love of the Indians. (*Dictamen Fiscal, Mexico y Noviembre 30 de 1716*, 183 *vta.*)

²Espinosa, *Chronica*, 455.

³*Representacion . . . que la Republica de la villa de San Fernando . . . ha puesta a los pies de . . . Rafael Martinez Pacheco, etc., 1787*, page 5, B  xar Archives.

families but once, and then as if it were a subject of no real importance. This was the settlement of thirty-one soldiers with their families at Adaes.¹

After Aguayo left Texas in 1722, the government seems to have abandoned its efforts to colonize the country. The work of colonization by means of families up to this time may be summarized as follows: in 1718, Alarcón settled a company of soldiers with their families on the San Antonio River and placed seven families at Adaes; in 1721, Aguayo stationed a company of thirty-one soldiers at Adaes; while during the same year, Espinosa settled the families he had raised, at Béxar. These settlements had all been made under government direction. But at least one group of families had come independently, and that, too, before 1718; hence this date which is usually given for the beginning of Béxar must be incorrect. This the following translation of an extract from the petition presented in 1787 by the *cabildo* to Governor Rafael Martínez Pacheco² will show. "It is certainly evident and clear that the settlement of this province of Texas was begun in the year 15 of our present century.³ [The Province was given this name by the captains who made various expeditions into it in times past in obedience to superior orders. In these [expeditions] they had only the satisfaction of reconnoitering the province, but never the pleasure of settling it until the above mentioned year. Then, some bold citizens, from the two neighboring provinces—Nuevo Reyno de León or Monterey, and Nueva Estremadura Monclova or Coahuila—which were at that time the last and frontier provinces of Nueva España, desirous of renown or wishing to advance their own private inter-

¹*Diario del Viaje del Marqués de San Miguel de Aguayo*, 51.

²See p. 290, note 3 *ante*. In this, and all of my own translations in the appendices abbreviations have been written out when there was no doubt as to the full form of the word, and all proper names have been spelled and accented in accordance with modern usage except in the case of certain signatures.

³This statement is confirmed by a report of Manuel Muñoz in regard to the Province of Texas, 1794 (V. O. King Collection), in which the following sentence is found. "The capital of San Antonio de Béxar owed its origin to a garrison of troops in 1715."

ests, had well authenticated and individual information that the many gentile nations living in these two provinces and in their principal districts about this time were at peace. . . . [These citizens] conceived the idea [of settling in Texas], and with manly courage set out to seek the famous and much lauded river of San Antonio,¹ on whose banks they formed a settlement very near the point at which our villa San Fernando is planted today. They brought with them not only their wives and children, but all their goods, cattle, horses, goats, sheep, and such other things as they thought necessary for their sustenance, returning from time to time to the *presidio* of San Juan Bautista del Rio Grande for the comforts of religion. They had no troops for their defense except the guard they themselves formed from their own number. There remains at this time only the memory of their coming, of the names of the most prominent men among them—these were Don Mateo Carabajal, Cristóbal Carabajal, and Don Francisco Hernandez—and of the survival and increase of the cattle they brought. This memory exists in the minds of their descendants—our relatives,² but it is not such as those men deserve as first settlers.”

After Aguayo left Texas in 1722, the *padres* continued their labors under great disadvantages. They finally despaired of success unless they could induce the government to send out more people to furnish to the Indians an example of the life they were expected to lead, and to teach them the most necessary arts.³ These plans were not regarded with favor by Rivera, as the *padres* had so fondly hoped. Instead of adopting the policy recommended by them, the government actually abandoned the *presidio* in the Texas country and reduced the garrison at Adaes. In 1730, therefore, the three Querétaran missions which, up to the time of Ri-

¹The natural advantages of the place were already well known.

²The word relatives taken together with the fact that the names of Carabajal and Hernandez were common ones at Béxar would indicate that these settlers remained at this point. There was even a Mateo Carabajal and a Francisco Hernandez residing in San Fernando in 1745. They are both mentioned in the proceedings of the *cabildo* for June 28, 1745. (*Libro de Cavildo*, etc., 1742-1749, Nacogdoches Archives.)

³Espinosa, *Chronica*, 459.

vera's inspection had been protected by the *presidio* in the Texas country, were removed from the eastern frontier to Béxar, making five in all at this point.¹ Here the *padres* were soon to see their long cherished plan for the settlement of families carried out in the founding of the villa of San Fernando de Béxar. The three Zacatecan missions were left on the eastern frontier. These with the mission at Bahía completed the list of such establishments in Texas at this time.

The first officially recognized civil settlement in Texas was the villa of San Fernando de Béxar, which was founded in 1731 by a group of families from the Canary Islands. In the plan for the establishment of this new villa appear several new features. Hitherto the arrangements for the settlement of families had been worked out by the missionaries, the orders had been issued by the viceroy, and all families brought in had been natives of Mexico. Now the idea was taken up by the king, all orders were issued by him at the suggestion of Marqués de San Miguel de Aguayo, and all families were brought from the Canary Islands. The advisability of settling families in Texas from Galicia, or from the Canary Islands, from Havana, and from the Province of Tlascalala, as a means of preventing French invasion, had been recognized by Aguayo after he had succeeded in bringing Texas back under the dominion of the Spanish crown, after the French invasion of 1719. Both he and the corporal of Bahía had recommended this measure. As a result of this recommendation three royal orders for the transportation of families to Texas were issued, the first March 18, 1723,² the second on May 10, 1723,³ and the third on February 14, 1729.⁴ Nothing came of the two orders

¹Not including San Xavier de Nájera, which was founded by Aguayo. The absence of records concerning this mission would seem to show that it was very short lived, and that it was abandoned before 1730.

²This differed from the other two as it was issued *por la via reservada*, that is, on the king's own authority without consultation with the council. The fact that such an order was issued is learned from the order of 1729.

³*Ramo de Reales Cédulas*, XLIV, No. 18.

⁴In *Expediente Mandado formar por el Sor. Comandte. Gral. Brigadier Dn. Nemesio Salcedo*, etc., 4-5 *vta*, Nacogdoches Archives. See appendix I.

issued in 1723. The order of February 14, 1729, recites that Marqués de Aguayo had proposed, as a means of holding Texas more securely, and at the same time avoiding the expense of maintaining so many *presidios*, and so large a force of soldiers there, the settlement of four hundred families from the Canary Islands, from Havana, and from the Province of Tlascala, suggesting that they be distributed among all the missions, at Bahía [de San Antonio],¹ at Adaes, and among the Texas Indians. He also thought that it would be well to form a mission with a settlement of Spaniards and Tlascalteicans half way between San Antonio and the country of the Texas. The king gave orders for the transportation of four hundred families, including the two hundred for which orders had previously been issued.² All these were to come from the Canary Islands. The volunteers were to be transported and maintained for one year at government expense, and to be settled in the places mentioned above. In response to this decree a few people—numbering when they left the Canary Islands but ten families³—volunteered to come to Texas. These immigrants reached Béxar at eleven o'clock, March 9, 1731.⁴

Something should be said here as to the seeming discrepancy in the number of settlers mentioned in the various accounts given concerning them. The exact number of families, and the number of persons composing them has been the subject of much discussion. The conclusions reached have been various—the number of families ranging from ten to sixteen, and that of the persons from fifty-two to fifty-six. The authorities vary, but the discrepancies can be easily explained. To begin with but ten families, under the leadership of Juan Leal Goras,⁵ who was the oldest man among them and the one who subsequently received the greatest

¹See p. 330, *post*.

²March 18, 1723.

³This, according to at least two of the royal orders, was the smallest number of volunteers to be transported in any one vessel.

⁴Order of the captain of the *presidio* of Béxar for families to appear for inspection. (Document in V. O. King Collection.)

⁵Order of Viceroy February 14, 1729, in *Expediente Mandado formar*, etc., Nacogdoches Archives.

honors within their gift, started out from the Canary Islands.¹ Within a month the number of families was increased from ten to fifteen. This was brought about by marriage among the colonists, as may be seen from a comparison of the list of the families taken at Quautitlan, September 9, 1730,² with the list taken just before they left Quautitlan, November 8, 1730.³ The first list is as follows: "Juan Leal Gonzal, wife, three sons, and one daughter; Juan Carbelo, wife, two sons, and three daughters; Juan Leal y Moso (son of the first man), wife, four sons, and one daughter; Antonio Santio [Santos?], wife, one son, and four daughters; José Padron, and wife; Manuel de la Nis [Niz?], wife, and daughter; Salvador Rodriguez, wife, and son; Maria Rodriguez (widow of Juan Cabrara who died near Vera Cruz), two sons and one daughter; Maria Rodriguez, (widow of Juan Rodriguez Granadillo), and two sons; Maria Melian (widow of Luca Delgado), three sons, and one daughter; five single men: Antonio Rodriguez, Phelipe Perez, José Antonio Perez, Martin Lorenzo de Armas, Ignacio Lorenzo de Armas—a total of fifty-two persons containing ten families." The list taken of the families just before they left Quautitlan includes the following persons:⁴ Juan Leal Goras, and two sons; Juan Curbelo, wife, two sons, and one daughter; Juan Leal, Jr., wife, four sons, and one daughter; Antonio Santos, wife, one son, and three daughters; Joseph Padron, and wife; Manuel de Niz, and wife; Vicente Alvarez Travieso, and wife; Salvador Rodriguez, wife, and one son; Francisco de Arocha, and wife; Antonio Rodriguez, and wife; Joseph Leal, and wife; Juan Delgado, and wife; Joseph Cabrera, son, and daughter; Maria Rodriguez Provayna, three sons, and three daughters; Mariana Melano, two sons, and one daughter; and four single men: Phelipe Perez, Joseph Antonio Perez, Martin Lorenzo de Armas, and Ignacio Lorenzo de Armas—a total of fifty-six persons and fifteen families, or sixteen families if the unmarried men be

¹List of Islanders taken at Quautitlan, September 9, 1730. (THE QUARTERLY, II 219, *The Founding of the First Texas Municipality*.)

²*Ibid.*

³In V. O. King Collection. See appendix II.

⁴For a full description of the immigrants see the list in appendix II.

counted a family as they sometimes were. The following changes had taken place. Vicente Alvarez Travieso and Francisco (de) Arocha—if they had not been overlooked in making the first list—had joined the party after the list was made.¹ Two women had died: Maria Rodriguez (widow of Juan Cabrera), and the wife of Juan Leal Goras. In taking the first list three daughters of Maria Rodriguez (widow of Juan Rodriguez Granadillo) had been overlooked, and one son had been born later. The following five men had married daughters of the Islanders: Vicente Alvarez Travieso, Francisco de Arocha, Antonio Rodriguez, Joseph Leal, and Juan Delgado, and consequently, there were fifteen families—not counting the four single men—when the second list was formed.²

These fifteen families founded the villa of San Fernando de Béxar. The settlement was given this name in honor of the heir to the Spanish crown, although many persons desired to name it

¹They may have been omitted from the first list. Travieso was a native of Teneriffe, and Arocha of Palma. This might suggest that they had come over with the Islanders. The fact, too, that nothing is said in regard to their joining the immigrants, and that they received their share of goods, land, and money would be a further indication that they originally belonged to the party from the Canary Islands. The lists show, however, that the Islanders were a group of relatives, except for these two men, and possibly Joseph Padrón and wife, who do not seem to have been related to any of the rest. This might be taken to indicate that they joined the party during its stay at Quautitlan because it came from the land of their nativity.

²The statements made in the two lists in regard to the relationship of the members of the Cabrera family do not agree. According to the first list, Maria Rodriguez (widow of Juan Cabrera) had two sons, and one daughter. She died before the second list was formed, and the family is then given as follows: Joseph Cabrera, son of Manuel Cabrera and Maria Rodriguez, fifty years of age; Marcos de Cabrera, son of Joseph Cabrera, six years of age; and Ana Cabrera, daughter of Joseph Cabrera, thirteen years of age. The ages and relationships here given must not be correct. After the Islanders reached Béxar, the Cabrera family is listed as follows: Joseph Cabrera, sixteen years of age; Marcos Cabrera, sixteen; and Ana Cabrera, fourteen. (List taken about June 1731, *Ramo de Provincias Internas*, XXXII, Doc. 11.) This description of the family after it reached Béxar is doubtless that which should properly have been given in the second list.

Casafuerte in honor of the viceroy of Mexico.¹ According to the viceroy's orders it was to be made a *cuidad*, and created the capital of Texas because it was the first civil settlement founded in the province by families from the Canaries.²

The new settlement was to be governed by a city council or *cabildo*, and orders for the appointment of the members of this body had been issued long before the Isleños, as the Canary Islanders were often designated, arrived.³ The law in regard to the formation of such a body in a new settlement founded under similar conditions to those existing at San Fernando declared that whenever any private individuals desired to form a new settlement, and had the necessary number of married men for the purpose—not less than ten⁴—they should be given permission to form a settlement, should be assigned lands, with prescribed limits,⁵ and should be granted the right to elect from their own number *alcaldes* and other annual officers of the *cabildo*.⁶

All these directions had been followed. The viceroy had issued a decree authorizing the governor of Texas, or in his absence, the captain of the *presidio* of Béxar to select from the heads of these fifteen families six persons as *regidores*, one as *alguacil mayor*, one as *escribano de consejo y público*, and one as *mayordomo de los bienes y propios*. These were to have the power to elect from their own number two ordinary *alcaldes* as judicial officers. The first nine offices were to be given to the men whom the governor considered most suitable for holding them for life.

¹Bonilla, *Brief Compendium*, 40-41.

²Order of Viceroy, November 28, 1730. Copy dated December 27, 1806. (Béxar Archives.) The government had originally planned the founding of two cities between the San Antonio and Guadalupe Rivers which should serve as the capitals of Texas. A better reason than that given by the viceroy for the establishment of the capital at San Fernando lay in the natural advantages of the place.

³*Ibid.* See appendix V.

⁴This provision probably led to the fixing of ten as the lowest number of families to be transported at any one time.

⁵These provisions are specified in the *Recopilacion*, lib. IV, tit. V, ley vi.

⁶*Ibid.*, ley x. Compare with the method of election when the settlement was made by contract, *ibid.*, leyes vi and vii.

In accordance with these instructions, on July 20, 1731, Don Juan Antonio Pérez de Almazán, captain of the *presidio* of Béxar, named all of the officers with the exception of the two *alcaldes*. The officers thus appointed were installed on August 1, 1731. They immediately held a meeting, and proceeded to the election of the two judicial officers¹ to whom they were entitled. These two *alcaldes* took the oath of office on that day. Now, nothing but the viceroy's approval was needed to complete the organization of the *cabildo* of the villa of San Fernando de Béxar.² Notification of the result of the election was forwarded at once, but the viceroy's approval was not given until October 24, 1731,³ and over six months elapsed after the arrival of the Isleños before they had a completely organized municipal government.

As has been said, the number of officers provided for was eleven. These were to be six *regidores*,⁴ two *alcaldes*,⁵ one *escribano de consejo*, one *mayordomo de los bienes y propios*, and one *alguacil mayor*.⁶ To fill these offices, however, as will appear from the list that follows, only nine men were needed; for the two *alcaldes* served also as *regidores*. This became the custom. The men appointed to these positions were: Juan Leal Goras, 1st *regidor* (*regidor decano*), and first *alcalde* (*de primero voto*); Juan Curbelo, 2nd *regidor*; Antonio Santos, 3d *regidor*; Salvador Rodriguez, 4th *regidor*, and 2nd *alcalde* (*de segundo voto*); Manual de Niz, 5th *regidor*; Juan Leal Alvares, 6th *regidor*; Francisco de Arocha, *escribano de consejo y público*; Antonio Rodriguez, *mayordomo*;

¹When the Spanish *cabildo* was organized at New Orleans in 1769 by Don Alexander O'Reilly four officers, two of whom were *alcaldes*, were to be elected by the *regidores*. (*Ordinances and Instructions of Don Alexander O'Reilly*, French, *Historical Collections of Louisiana*, V, 254.) These instructions are but an abstract of the laws of the *Recopilacion* applying to the organization of *cabildos*. They were closely followed at San Fernando and are valuable evidence in the latter case as throwing light upon the Spanish construction of these laws.

²*Cf. Recopilacion, lib. V, tit. III, ley x.*

³*Ramo de Provincias Internas, XXXII, Doc. II. See appendix VI.*

⁴*Recopilacion, lib. IV, tit. X, ley ii.*

⁵*Ibid., tit. X, ley i.*

⁶For the last named officers see *ibid., tit. VIII, ley ii.*

and Vicente Alvarez Travieso, *alguacil mayor*.¹ Only married men were chosen, and the preference was given to the older men among this number.

The documents I have examined in the Béxar Archives show that various names were applied to the body thus organized. The titles used in the *Recopilacion* when speaking of the bodies charged with the municipal government of *ciudades*, *villas* or *lugares* are *consejo*, *ayuntamiento*, or *cabildo*, *justicia*, y *regimiento*. The latter form is used in the minutes of the *cabildo* of San Fernando throughout the period under consideration. During its early history it was usually referred to simply as the *cabildo*. Still other names used were *consejo municipal*, and *cuerpo municipal*. Forms of address were *Muy Ilustre Cabildo*, *Noble Cabildo*, and *Ilustre Cabildo*, *Justicia*, y *Regimiento*. Toward the end of the century the name *ayuntamiento* almost superseded that of *cabildo*; and this, in turn, during the first quarter of the nineteenth century was displaced by the term *municipalidad*.

To understand the government thus organized a brief consideration of the history of the Spanish municipality is necessary; for, although all *cabildos* under Spanish dominion had certain features in common there were peculiar customs developed in each individual case. History will show that there was great latitude for the growth of these differences. During the eleventh and twelfth centuries the kings of Spain organized *consejos* in the various settlements of their dominion. These bodies were composed of all citizens or of all heads of families in the *pueblos*, and were used as a means of holding in check the nobles who always stood ready to usurp the royal power. The *consejos* supervised the economic activities of the settlement and exercised civil and criminal jurisdiction in all cases except those coming under the cognizance of the king himself, and appeals were taken directly from these *consejos* to the king. They elected *alcaldes* and other judicial officers together with certain administrative and military officials. The size of the *consejos*, however, proved inconvenient. Therefore, during the fourteenth century, the number was restricted, and the germ of the modern *ayuntamiento* was formed. A system of

¹Appendix VI.

laws similar to those in Spain was developed for the government of *consejos* in America. Most of the laws that were in force at the time San Fernando was founded are contained in the *Recopilacion de Leyes de los Reynos de las Indias*. The first edition of these laws was issued in 1680, the second, which was merely a reprint of the first, in 1774, and the third in 1791.¹ It has already been shown that the Spaniards, in their various efforts to hold the Province of Texas from 1689 to this time, had been controlled by the laws of the *Recopilacion*. Now, it was the intention of the government to found this villa, and have it governed in accordance with these same laws. That this is true is easily established. In accordance with the laws of the *Recopilacion* the new settlers were created *hidalgos*² and were given a municipal government,³ and detailed instructions, based upon the *Recopilacion*, were given for the laying off of the town.⁴ Other examples showing obedience to the *Recopilacion* might be given, but these are doubtless sufficient.

It is clear, however, that in practice the laws were modified to meet peculiar conditions at San Fernando. One of the most striking instances of such disregard, or in fact of violation of these laws, was the establishment of the villa near the missions, and the groups of settlers that had gathered about Béxar between 1718 and 1730. The law prescribing the regulations for the settlement of villas governed by ordinary *alcaldes* and *regidores* declared that the boundaries of the four leagues of land set aside for the said place should be distant at least five leagues from any *ciudad*, *villa*, or *lugar de Españoles*⁵ which might have been previously estab-

¹In the preparation of this paper I have used the edition of 1774. For the development of the system of laws for the Indians see *Ley, que Declara la Autoridad que han de tener las leyes de esta Recopilacion, Recopilacion, Tomo I*. Cf. Bancroft, *Central America*, I, 285-288, and Bourne, *Spain in America*, XV.)

²*Recopilacion*, lib. IV, tit. VI, ley vi.

³*Ibid.*, tit. V, ley x.

⁴As to how closely the laws were followed in these instructions see appendix III.

⁵*Recopilacion*, lib. IV, tit. V, ley. vi.

lished. Blackmar interprets this law to include missions.¹ If this be true—which, however, is doubtful—the settlement of the villa at the point selected by the viceroy was undoubtedly in violation of the law in question, as there were several missions nearer than five leagues. At any rate, the groups of settlers gathered at this point must be considered as forming a *lugar de Españoles*, and, therefore, if it were recognized as such by the government,² the location of the new villa so near this settlement was illegal. That the villa was placed near the missions and the *presidio* is proved by the following statement. "In 1731, four settlements were made on this river [the San Antonio] three for the conversion of the heathens, and one called the villa of San Fernando in which the Islander families, and other citizens of the place are settled. These with the *presidio* form but one settlement."³ In fact, the villa was placed but a few hundred yards from the *presidio* which was located on what is now known as the military *plaza*. The center of the villa settlement was marked by the spot now called the main *plaza*.⁴

Other cases in which the organization and methods of procedure in the municipal government of San Fernando were in violation of the *Recopilacion* may be mentioned. The law fixing the length of the term of municipal offices was, at first, modified to meet conditions at San Fernando. This law declared that officers of the *cabildo* should be elected annually, and that having served in any capacity for the period of one year, no man should be eligible to the same office or to any other municipal office until at least two years had elapsed. In the case of an *alcalde* an interval of three years was required before he could be again elected *alcalde*.⁵ In

¹*Spanish Institutions of the Southwest*, 132.

²The viceroy, in his provisions for laying off the villa, declared that the plan should be altered if any of the measurements could not be made in any of the directions mentioned owing to the fact that these lands were settled.

³*Descripcion de las Misiones del Colegio de la Santa Cruz en el Río de San Antonio, año de 1740*, in *Memorias de Nueva España*, XXVIII, 201.

⁴*Ereccion de la Parroquia de San Fernando de Béxar, año de 1738* published in *el Bejareño*, Tomo I, No. 8, in Texas State Library.

⁵*Recopilacion*, lib. IV, tit. IX, ley xiii. Cf. *ibid.*, lib. V, tit. III, ley ix.

this new settlements it was impossible to fulfill these requirements. There were, as will be seen from the list of Isleños¹ only thirteen married men over eighteen years of age—the age of Antonio Rodríguez, the youngest member of the first *cabildo*. Unmarried men were not eligible. Therefore the number of those available for election was, at the outset, limited to thirteen. As the younger men were married the number was gradually increased. But there were also, as has been shown, other settlers at Béxar when the Isleños reached that place²—those who had come out with Alarcón,

¹See Appendix II.

²Some of these settlers, or perhaps all of them, were called *vecinos agregados*. The term was probably applied first to the colonists who attached themselves to the expeditions of Alarcón and Aguayo (Espinosa, *Chronica*, 149, and *Representacion . . . que la Republica de la villa de San Fernando . . . ha puesto a los pies de . . . Rafael Martinez Pacheco*, etc., 1785, page 5, Béxar Archives), and with such significance, it would be properly applied only to these colonists, to the exclusion of the men who came independently without military protection in 1715 (*Ibid.*, 4). Before the villa was founded, however, all these groups were merged into a single settlement attached to the *presidio* under the common designation. In at least one document (Complaint of *vecinos agregados* against the Isleños for usurpation of privileges, 1745, Béxar Archives.) occurs the expression *vecinos agregados del presidio* with apparent reference to the settlers thus grouped. Later, at the time of the founding of the villa, or subsequent thereto, they became attached to it, and the term *agregados* may have taken on a new meaning in relation to this fact. (Cf Yoakum, *History of Texas*, I 393.) It was the intention of the government that the settlers sent out by Alarcón and Aguayo should, in accordance with the laws of the *Recopilacion*, be given lands and paid salaries for their services as soldiers. (Espinosa, *Chronica*, 448.) The lands, however, may not have been assigned. When the Isleños reached Béxar, they were given lands that had been cultivated by the ancient settlers of the *presidio* (Appendix IV), in spite of the fact that the viceroy, in his instructions for the laying out of the villa, had provided that the plan should be altered if any of the land intended for the Isleños were already settled. This would indicate that some of the settlers had merely cultivated the lands, but had never been given titles to them. (See also Petition of Fr. Benito Hernandez de Sta Anna *Presidente de las Misiones de S. Antonio, y San Xavier de la Prova. de Texas*, in *Memorias de Nueva España*, XXVIII, 131 *vta.* 133.) In 1745, Don Pedro Ocón y Trillo, in a complaint presented to the governor in behalf of the *vecinos agregados*, (Against Isleños for usurpation of privileges, 1745, Béxar Archives.) states that the Isleños made proud by the title

and they should have had a share in the municipal government of the newly founded villa, but practically, in the earlier years of the municipality, this was not true. The settlement established by Alarcón on the banks of the San Antonio River, in 1718, contained thirty families. According to the laws of the Indies, this was the requisite number for founding a villa to be governed by a *consejo* composed of ordinary *alcaldes* and *regidores*.¹ It was the intention of the government that the settlement founded by Alarcón should be organized as a villa.² It was even subsequently referred to as a villa,³ but no evidence has as yet been found to show that these settlers had any distinct municipal government. Yet if this were true up to the coming of the Canary Islanders, the viceroy, in making provisions for the laying off of the town, had provided that such persons as might join the Isleños should be eligible to municipal office. This, however, may have been intended to apply to other settlers that were expected to come from the Canary Islands. The first *cabildo* was composed entirely of Isleños, and with the exception of the *alcaldes*, the members were appointed for life. Consequently there was not much chance for a non-Isleños to hold office at first. From 1731-1749 only some three or four men who did not belong to this favored class, so far as the records show, enjoyed the honor of serving on this body.⁴ By the

of *pobladores* wished it to appear that they alone had the right to this title; whereas the *vecinos agregados del presidio*, at no cost to his majesty, were the most ancient *pobladores* and *conquistadores* of the country. If the fact that they came at no cost to his Majesty be emphasized, the expression *vecinos agregados* might be taken to include only the settlers who came out in 1715. Still another use of the word is found in a petition presented by Thomasa de la Garza to the governor (1745, Béxar Archives) asking for a certain building lot. She stated that her husband had served as a soldier at Espíritu Santo for many years, but on account of his illness, they had removed to San Fernando where she had lived for more than three years on a lot belonging to Joseph Miguel de Urrutia. In this petition she calls herself a *vecina agregada a la villa*.

¹*Recopilacion, lib. IV, tit. V, ley vi.*

²*Directorio ó Instrucciones, 32 vta.*

³*Relacion de los Empleos Meritos, y Servicios, 246 vta; and Diario del Marqués de San Miguel de Aguayo, 11*

⁴*Libro de Cavildo, etc., 1742-1749, Nacogdoches Archives.*

early 50's, however, some twenty years having elapsed, the number of the original *cabildo* had become thinned by death and incapacity.¹ It became necessary then, in some cases, to select other men to fill the vacancies, and the policy was adopted of regularly electing a few of the younger members of the *Isleños*, or even the *vecinos agregados*.

Although, at first, the law providing for the annual election of officers was disregarded except in the case of *alcaldes*,² toward the end of the century, it was strictly enforced. In 1794 Manuel Muñoz, who was then governor of Texas, wrote to the *cabildo* in regard to the election report sent him for approval, as follows: This government is not unmindful of the irregularities in the elections you report. In most cases you have left to those re-elected the same offices they had previously held. I cannot believe that there is a scarcity of individuals in the settlement to fill these places."³ The same question had arisen the year before. The governor had written to the *cabildo* saying that before Don Clemente Delgado could be legally re-elected, at least two years interval after the expiration of his term of office was absolutely necessary.⁴ As to the time for holding elections, and for installing the officers of a new *cabildo* nothing has been found previous to 1778. In this year, however, the time for holding the elections, the time for sending the report of these elections to the governor for approval, and the time for installing the officers was fixed. The election report for 1791⁵ states that elections had been held on the 20th of the month of December in accordance with an order of Don Theodore de Croix, general comandant of the *Provincias Internas* which had been issued on January 13, 1778, and that re-

¹Several of the officers were over forty years of age at the time of their appointment.

²The only way of determining the persons who served as *alcaldes* for any given year, previous to 1750, is to examine the lawsuits brought before these officers. From the evidence in hand no complete list can be formed, but no case has been found in which any person served two consecutive years.

³December 29, 1794, Béxar Archives.

⁴Manuel Muñoz to *cabildo*, December 21, 1793, Béxar Archives.

⁵Béxar Archives.

ports of elections had been sent to the governor for approval on the 21st of the same month in obedience to the same orders. The new *cabildo* was to be installed on January 1st. This arrangement was strictly adhered to, at least, as late as 1800.

Another instance in which the laws of the *Recopilacion* were violated, was in regard to the place of meeting. The law provided that all sessions of the *cabildo*, all elections, etc., should be held in the municipal hall. The penalty imposed for violation was permanent loss of office.¹ Special provision was made that no meetings should be held at the governor's house unless there were urgent reasons therefor.² Both of these laws were violated. There was no municipal hall at San Fernando for years after its foundation,³ and consequently meetings had to be held at other places. As late as 1783, the *cabildo* met in the jail.⁴ Sessions were frequently held at the house of the *alcalde*. It was not unusual to hold meetings at the governor's house even toward the end of the century.

Another case of violation of the laws of the *Recopilacion* was the election of *alcaldes* who were unable to write.⁵ Of the nine officers of the first *cabildo* only four men could sign their names. Juan Leal Goras, 1st *alcalde*, could write sufficiently well for any person knowing that his signature was affixed to a document to identify it. Salvador Rodriguez, 2nd *alcalde*, however, had to have some one sign for him. The only man among the Isleños upon their arrival at Béxar who could write a legible hand was Francisco Joseph de Arocha, secretary of the *cabildo*.⁶

¹*Recopilacion*, lib. IV, tit. IX, ley i.

²*Ibid.*, ley ii.

³Minutes for January 12, 1742, *Libro de Cabildo*, etc., 1742-1749, Nacogdoches Archives.

⁴Minutes for February 20, 1783, *Libro en que se asienta lo acordado en el cavildo*, etc., 1783-1807, Béxar Archives.

⁵*Cf. Recopilacion*, lib. V, tit. III, ley iv.

⁶Arocha served in this capacity from the time of his appointment on July 1, 1731 until January, 1757, when, upon petition presented to the *cabildo*, he was relieved from the office on account of his age. (Béxar Archives. The fact that the place remained vacant during the remainder of the century probably indicates that no properly qualified successor to him could be found.

One more instance in which the laws of the *Recopilacion* were violated may be mentioned. It was provided that in new settlements formed by groups of private persons, having the proper number of married men for the purpose—not less than ten—the settlers should be given the right to elect ordinary *alcaldes* and other annual officers of the *cabildo* from among themselves.¹ Contrary to these provisions the first *cabildo*, with the exception of the *alcaldes*, was appointed by the captain of the *presidio* of B  xar in obedience to the orders of the viceroy, who had provided that the captain should perform this duty if the governor of the province could not act. These officers were given their positions for life. In obedience to this same order, the *alcaldes* were elected, either by the *regidores* alone (*Cf. ibid.*, tit. XI, ley, ii, and report of first election, appendix VI.), or by the whole *cabildo* with the exception of the *escribano de consejo*. (*Cf. Election report, 1750, B  xar Archives.*) As to the way in which they were elected previous to 1750, no evidence has been found. On January 1 of this year the two *alcaldes* for the incoming year were elected by the vote of all the officers of the *cabildo* with the exception of the *regidor decano*, who was not present, and the *escribano de consejo*, who was present, but did not vote. This arrangement was not in accordance with the law providing that the people should elect the *alcaldes*. Shortly after 1750 a complete series of the election reports are found. From these it is evident that it became the custom for the *cabildo* to elect all the municipal officers. It is not possible, however, to ascertain whether or not all of the members of the *cabildo*, with the exception of the *escribano*, voted as in the election for 1750. The *cabildos* in Spain had become close corporations, membership in which was either inherited or purchased, and the *consejos* in America had followed this course of development.² This probably explains the state of affairs at San Fernando, although, during the period under consideration, no attempt was made to sell any of the municipal offices,³ and no member, so

¹*Recopilacion, lib. IV, tit. V, ley x.*

²Bourne, *Spain in America*, 235.

³For the offices that were to be sold in the Indies see *Recopilacion lib. VIII, tit. XX, ley i.* For the laws governing such sales see *ibid. tit. XX.*

far as the available records show, ever inherited any office at San Fernando during the eighteenth century.

The functions of the *cabildo* are, in the main, well defined although the exact way in which the various duties devolving upon it were apportioned among the members is not exactly clear. To describe these functions, however, is a difficult task, since the judicial, the executive, and the legislative powers vested in this body are not clearly differentiated. The political hierarchy of the Spanish government was headed by the king, and included in a descending series, arranged in order of importance, the viceroy of Nueva España, the general commandant of the *Provincias Internas*, the governor of Texas,¹ and finally the *cabildo* itself.² The *cabildo* was practically restricted to carrying out the orders of the higher authorities. The Spanish *cabildo* was charged with the politico-economic government of the settlements under its control.³ According to Moses this was "the care of the public health and accommodations, to watch over prisons, hospitals, and benevolent institutions that are not of private foundation, primary schools sustained by public funds, the construction and repair of bridges, highways, and roads, the raising and expenditure of public moneys from taxes, licenses, and the rents of municipal property; to promote the advancement of agriculture, industry, and commerce, and to assist the *alcalde* in the preservation of peace and public order among the inhabitants."⁴ The duties of the *cabildo* of

For the first suggestion of the government yet found that offices should be sold, which was made in 1812, see *Expediente Mandado Formar etc.*, Nacogdoches Archives.

¹The *justicia mayor* of the villa of San Fernando, and its jurisdiction, who was likewise captain of the *presidio* of Béxar, should perhaps be enumerated in this series. But since I have had available so little material concerning the nature of his jurisdiction, and his relation to the governor and the *cabildo* his name has been omitted.

²In taking the oath of office, the *cabildo* of San Fernando promised obedience to all these authorities. (Report of election, January 1, 1780, Béxar Archives.

³Escríche, *Diccionario Razonado de Legislacion y Jurisprudencia*, under *Ayuntamiento*.

⁴Moses, *The Establishment of Municipal Government in San Francisco*, page 16, in *Johns Hopkins University Studies in Historical and Political*

San Fernando, as defined by one of the governors in his charge to a newly elected body, were the administration of justice, and the protection of the interests of the commonwealth.¹ In all of these definitions the political dependance and subordination of the *cabildo* are assumed.

In fulfilling the obligations placed upon it, the *cabildo* of San Fernando had first to discharge certain duties involving its own continued existence and organization. These duties included the filling of vacancies in the body itself, and the election of the succeeding *cabildo*. But, as the reports in the B  xar Archives show, such elections required the approval of the governor, and he had also to install, in person or by deputy, the newly elected officers. On the *cabildo* devolved, in the second place, the duty of keeping public order by seeing that the various laws and regulations of the superior authorities were observed, and of preserving the public health, of looking after the general welfare, and of managing the business affairs of the villa. The law provided also for judicial appeals to this body from the decisions of the *alcaldes*,² but there is nothing to show that such appeals were ever made in San Fernando.

Although from all these definitions and examples, the powers exercised by the *cabildo* seem far-reaching they were, in reality, much restricted by the powers of the governor, the next higher authority. In the first place, the governor had to approve the election of municipal officers made by the *cabildo*.³ This approval was usually granted, but, in case it was withheld for any reason, the elections were null. In considering the election of officers for 1784, after charging the acting members with gross neglect of duty in that they were so frequently absent from the villa on private business that the settlement had suffered in consequence, Gov-

Science, VII. Cf. *Coleccion de los Decretos y   rdenes que han expedido los C  rtes Generales y Extraordinarios Desde 24 de Setiembre de 1811 hasta 24 de Mayo de 1812*, II, 147-148.

¹Manuel Mu  oz to *cabildo*, December 22, 1798, B  xar Archives. Compare with the duties as defined in the *Ordinances and Instructions of Don Alexander O'Reilly*, 254.

²*Recopilacion*, lib. V, tit. III, ley x.

³Cf. *Recopilacion*, lib. V, tit. III, ley, x.

ernor Cabello ordered the newly elected members not to absent themselves when, as a consequence of such an absence, any of their duties might be neglected. He refused to approve the elections until the members should have promised to obey these instructions.¹ He likewise refused to approve the election of a certain individual on the grounds that he did not possess the necessary qualifications, as there were two criminal charges pending against him.² Manuel Muñoz, the succeeding governor, objected to two other persons named for municipal office because their conduct had not made them worthy of the honor of serving in this body.³ The elections, in each case, were not approved until the objectionable characters were excluded.

In addition to this power of approving and disapproving elections the governor, as has already been stated, had to install new officers, or to appoint some one in his stead to perform that duty. The honor was usually conferred on the *regidor decano*. The governor, likewise, sometimes presided over the *cabildo*,⁴ and could cast the deciding vote in case of a tie in elections.⁵ Besides this supervision of elections made by the *cabildo*, the governor had power over matters that one would naturally expect to be entirely under its control. Among these may be mentioned the management of school affairs. The petition of a teacher⁶ asking to be allowed to establish a school, to receive certain pay for his services, and to have the rules and regulations for the school prescribed was referred to the governor for decision. Another instance of the governor's authority is shown by the petition of an *alcalde*⁷ asking to be allowed to go with certain companions to get twenty-four head of stock beyond the Guadalupe River. When granting this

¹*Expediente* concerning elections for 1784, in *Poseciones de Oficios*, etc., 1778-1784, Béxar Archives.

²Domingo Cabello to *cabildo*, December 22, 1784, Béxar Archives.

³Manuel Muñoz to *cabildo*, December 29, 1794, Béxar Archives.

⁴Election report, January 5, 1777, Béxar Archives.

⁵Report of election December 23, 1781, in *Poseciones de Oficios*, etc., 1778-1784, Béxar Archives.

⁶Don José Francisco de la Mata to *cabildo*, May 1789, Béxar Archives.

⁷Manuel de Arocha to *cabildo*, August 31, 1793, Béxar Archives.

petition, the governor restricted the number of cattle they were to kill, and prohibited further slaughter, and also marking, or branding of stock. In case the *cabildo* desired to make any improvements in the villa, for instance, if it wished to build a municipal hall or a prison, it had not only to secure the governor's permission to erect the buildings in question, but had also to submit the plans of the buildings for approval. After the specifications had been accepted, however, the matter of construction seems to have been entirely in the hands of the *cabildo*.¹ The governor was likewise appealed to in the matter of preserving order in the villa. In one petition, for instance, the *cabildo* informed the governor that the various members had witnessed many lawless acts while making the nightly patrol in the execution of their duties, and asked him to take steps to prevent the people from going upon the streets so much at night, to preserve order in the *fundangos*, which were frequently continued past the hour fixed by law, and to re-publish the order for good government issued upon his entrance to office. The governor complied with this request although he declared that these matters were within the peculiar province of the *cabildo*.² The power of the governor to grant land and the subordination of the *cabildo* in this respect are illustrated by a petition presented to Governor Larios in 1745 by Thomasa de la Garza, asking for a certain building lot.³ The governor granted the petition, and ordered the *cabildo* to place her in possession of the land in question. In obedience to these instructions, the *cabildo* sent an ordinary *alcalde*—the *alguacil mayor* being absent—to carry out the orders of the governor.

A summary of the municipal ordinances of the villa of Goliad, although issued later than the period under consideration,⁴ will be of value as illustrating the inner workings of a *cabildo*. Many

¹Minutes of *cabildo* for January 12, 1742, *Libro de Cavildo*, etc., 1742-1749, Nacogdoches Archives.

²*Expediente* concerning the preservation of order in the villa, February, 1783, B  xar Archives.

³B  xar Archives.

⁴Issued by the Constitutional Congress of Coahuila and Texas, 1829, decree No. 99, B  xar Archives.

of the usages at Goliad can be paralleled at San Fernando. The title of these regulations is *Municipal Ordinances for the Government and Internal Management of the Ayuntamiento of the Villa of Goliad*.

Part 1, chapter I, which consists of general provisions, declares that the *cabildo* shall meet every Saturday from eight to eleven for ordinary business sessions;¹ that it may hold extra sessions when necessary²—the president giving due notice of said meetings; that the secretary shall keep the minutes of the *ayuntamiento*; that all members may discuss business under consideration; that a majority of one vote shall decide a question;³ and that the *regidor decano* shall preside in case of the absence of the *alcalde*.⁴

The duties of the presiding officer are defined in the second chapter of this division. These are, in general, to name the various standing committees of the *cabildo* and to give instructions as to the duties devolving upon the officers in consequence; to preside over the meetings of the *cabildo*; to see that members attend regularly—granting leave of absence when necessary; to preserve order during the deliberations of the body; to extend the time of meetings when necessary; and to see that the secretary keep the archives properly.⁵ The duties devolving upon the *alcalde* in addition to those just named—which he exercised by virtue of the fact that he was the presiding officer of the *cabildo*—were to see that the

¹There was no fixed time for such meetings in San Fernando previous to 1746. At that time Thursday was chosen as the time for meeting. (Minutes of the *cabildo*, June 8, 1746, *Libro de cavildo*, etc., 1742-1749, Nacogdoches Archives.)

²Cf. Minutes of the *cabildo*, February 6 and 7, 1783, in *Libro en que se asienta lo acordado en el cabildo*, etc., 1783-1807, Béxar Archives.

³Cf. Report of election, December 1781, in *Poseciones de Oficios*, etc., 1778-1784, Béxar Archives.

⁴At San Fernando the governor and the *justicia mayor* sometimes presided at the meeting of the *cabildo*. (See election report 1763, Béxar Archives.)

⁵No evidence has been found to show that the secretary kept the archives at San Fernando as most of the documents bearing upon the question are dated after the retirement of Arocha from office. The documents, however, do indicate that it was the duty of the whole *cabildo* to

municipal ordinances were observed, to hear cases brought before him, to examine the archives to see that they were properly kept or to appoint the *regidor decano* to do so, to see that a census be taken yearly, and compared with the one taken by the *síndico procurador*.¹

Chapter I, part 2, deals with matters pertaining to the public health and police. It provides that there shall be a board of health, while all officers of the *cabildo* shall be charged with the duty of seeing that the following rules be observed: the *síndico procurador* shall keep the river free from dead animals and other contaminating matter;² the streets and *plazas* clean and unobstructed, the food supply fresh and unadulterated;³ with the help of the *alcalde*, he shall see that physicians have the proper diplomas and credentials, that weights and measures be honest; while, the *alcalde* alone, shall inspect all new buildings, seeing that they are built straight with the street, that they are of the proper size, shape, etc., that they do not interfere with the rights of persons in the vicinity, and that the proper building fees are paid.

Part 2, chapter II, deals with public security. It provides that all members shall be responsible for the maintenance of public order; that the *síndico procurador* and his assistants shall see that lots are properly enclosed, that fires are not built where conflagrations might result, and that animals are properly secured; that the *procurador* and the first *regidor* shall have charge of the weights and measures; that all possible steps be taken to prevent gaming, and to preserve proper order in saloons and public halls;

make an annual examination of the archives, and that special stress was laid upon the fact that the *alcaldes* were present at this examination. (See inventories of documents in B  xar Archives for 1745, 1746, 1762, 1796, in Nacogdoches Archives.)

¹See order of the governor of Texas, issued in January 1784, for the arrest of the two *alcaldes* of San Fernando for failure to take the census, B  xar Archives.

²See *expediente* concerning election for 1784 for the duties of the *procurador* of San Fernando, B  xar Archives.

³At San Fernando this duty was probably performed by one of the *regidores*. (Report of *cabildo* to Juan Bautista de Elgu  zabal, December 1799, B  xar Archives.)

that at least three rounds per month be made to secure proper order in the villa¹—the *alcalde* being the first officer; and that the *cabildo* shall elect two ward commissioners and two *jueces de campo*² whose duty it shall be to watch over crops in the district, to prevent the cutting of valuable timbers, to see that fires, except on stated occasions, are not built within a certain distance of the villa, and that roads in their districts are kept in good condition.

The next chapter of part 2 deals with public accommodations. It provides that all members shall have the right to propose such measures as they may think necessary for the well-being of the settlement; that in times of scarcity of seed or other necessities, the *ayuntamiento* shall secure a supply with municipal funds, when possible, taking measures to see that these supplies last and that prices do not become exorbitant; and that it shall build bridges and sidewalks, repair streets,³ care for unfortunates, establish and control private schools,⁴ selecting from its own number a treasurer for the school fund.

Chapter IV, part 2, deals with the question of public improvement and provides that the *ayuntamiento* shall attend to the laying out of a cemetery, and see that all citizens contribute to this work, and that it be properly kept; that a municipal hall be erected; and that an alameda be planted for which the *procurador* must care.

The last chapters of part 2 deal with the collection and expenditure of municipal funds.⁵

Further light on the work of the *cabildo* may be had from an examination of the functions of the several officers. Those having

¹The whole *cabildo* seems to have made these rounds on occasions at San Fernando. (*Expediente* concerning the preservation of order in the villa, February, 1783, Béxar Archives.)

²*Cf.* commission and instructions of Don Vicente Travieso as *juez de campo*, July 1, 1810, Béxar Archives.

³At San Fernando, this duty was performed by the *procurador*. (See *Expediente* concerning election for 1784, in *Poseciones de Oficios, etc.*, 1778-1784, Béxar Archives.)

⁴See *ante* p. 309.

⁵With these municipal ordinances compare the *Ordinances and Instructions of Don Alexander O'Reilly*; Bancroft, *California Pastoral*, 540-547.

a vote in the *cabildo* will be considered first, and this includes all except the *escribano*.¹ The most important officer was the *alcalde*, who combined the functions of law-maker, judge, and policeman. He issued municipal ordinances for the preservation of good order, and the promotion of the healthfulness and cleanliness of the villa, and, on occasion, he arrested and punished individuals for disobedience to these ordinances.

A few examples of ordinances issued by *alcaldes* will serve to illustrate the nature of the legislative powers they exercised. One issued in 1735 by Juan Leal Goras, *regidor perpetuo* and *alcalde* of San Fernando, required owners of certain grain lands to enclose them with stakes, and to place irrigating ditches in good condition, and charged citizens and stock-raisers to secure a herdsman for their stock. Penalties were prescribed for failure to observe this ordinance.² Another issued in 1744 by Alcalde Joseph Curbelo prohibited citizens from going upon the streets after nine o'clock at night without urgent reasons therefor under penalty of imprisonment and fine, and provided that idle and objectionable characters should either secure employment or leave the villa.³ And another issued in 1746 by Alcalde Juan Joseph Montes de Oca,⁴ forbade, under penalty of a fine, the carrying of small arms in the villa.⁵ Other instances could be cited, but these are sufficient to show that the *alcaldes* of San Fernando exercised legislative power in local affairs.

The *alcaldes*, as has been said, also exercised judicial power. The laws of the *Recopilacion* provided that in Spanish settlements where there was no governor or lieutenant-governor the ordinary *alcaldes* should have cognizance of all civil or criminal cases that would come within the jurisdiction of the governor or the lieutenant-

¹Election report, 1750, Béxar Archives. See *Recopilacion*, lib. V, tit. III, ley xv; and *ibid.*, lib. IV, tit. XI, ley ii.

²*Expediente* in case against Martin Lorenzo de Armas and others for violation of ordinance, Béxar Archives.

³Béxar Archives.

⁴This was one of the few men other than Isleños who held a municipal office at San Fernando previous to 1750.

⁵Béxar Archives.

ant-governor, and that appeals from the *alcaldes'* decision should go to the *audiencia*, to the governor, or to the *ayuntamiento*, according to the provisions of the laws of Spain and New Spain. Although the governors played an important part in the life of San Fernando, and even, on some occasions, presided over the *cabildo*,¹ the *alcaldes* of the villa exercised both criminal and civil jurisdiction.² In the *Ordinances and Instructions of Don Alexander O'Reilly*³ the judicial powers of the *alcalde* are defined thus: "(1) the ordinary *alcaldes* shall have cognizance of all matters in dispute, either civil or criminal, between the inhabitants residing within their jurisdiction, which shall extend throughout the city and the dependencics thereof, excepting those that may come within the cognizance of the ecclesiastical, military, or other special courts." These same *Instructions* provide further that "(7) *alcaldes* may hear and decide verbally any civil cases, when the demand shall not exceed twenty dollars, as also criminal causes of little importance. They may also hear and decide verbally those exceeding that sum when the interested parties shall consent thereto. (8) Causes legally brought before one of the judges shall be continued and determined in his tribunal, and neither the governor nor any other shall deprive him of the cognizance thereof. The governor, however, being required thereto by the parties, may, by an order in writing, and suitable to the case, require and summon the *alcalde* to render speedy justice conformably to the law." This definition would apply substantially, as far as I have been able to determine, to the jurisdiction of the *alcaldes* of San Fernando. The only definite restrictions on the power of these officers yet found are those fixed by a provision of the *Nuevo Reglamento* issued by Viceroy Casafuerte in 1729,⁴ giving the captain of the *presidio* exclusive jurisdiction over Spaniards, mulattoes, and *mestizos* settled in the vicinity of the *presidio*. The *alcaldes*,

¹Minutes of the *cabildo* 1777, Béxar Archives.

²Cf. *Recopilacion*, lib. IV, tit. V, *ley xi* relative to the jurisdiction of a person who settled families by contract.

³259.

⁴This same provision was included in a series issued by the general commandant of the *Provincias Internas* September, 1778. (See the proclamation of this official for the date given. Béxar Archives.)

however, exercised jurisdiction over the *vecinos agregados*,¹ who would seem to be included in this enumeration, but the precise meaning of this term, and the exact nature of the jurisdiction exercised is not clear. An examination, however, of the first lawsuit between the citizens of the villa of which there is any record may throw some light upon the extent of the judicial power of the *alcaldes* and upon the actual workings of their court. This case is also a striking illustration of the delays and ineffectiveness of the whole system of the local administration of justice in Spanish Texas.

On June 25, 1733, Joseph Padrón preferred a criminal complaint before the first *alcalde* of San Fernando, Antonio de los Santos, against Juan Leal Goras for having plowed over into complainant's corn, after having been ordered not to by certain inspectors who had been sent out by the governor. The *alcalde*, thereupon, sent out other inspectors, and examined certain witnesses. As a result, Goras was found guilty and placed in jail. He, however, twice broke prison and was fined twenty-five *pesos* on each occasion. He then appealed to the governor on the grounds that the *alcalde* was prejudiced in favor of Padrón. The appeal was granted. In spite of this, Goras made his defense before the *alcalde*, brought forward witnesses on his own behalf, and tried to invalidate the testimony of certain of Padrón's witnesses, charging them with treason. These men then brought a new charge against Goras and demanded that he be made to prove his statements or be punished. After various steps had been taken by the *alcalde*, the governor ordered that the case be brought before himself, and that meanwhile Goras be released. The order was obeyed. In his petition to the governor, however, Goras had charged the *alcalde* with having been bribed by Padrón. De los Santos, therefore, preferred a charge against Goras asking that he be required to prove his statement. Goras was thereupon ordered by the governor to answer the *alcalde's* complaint. A long delay ensued caused by Goras's failure to respond, on the grounds that he had not the necessary papers in the case. Then, the witnesses who had

¹*Expediente* in case against Antonio Tello for murder of Mateo Treviña, 1744, Béxar Archives.

been accused of treason again appeared before the governor and asked that Goras be made to prove the charge he had made against them. Another delay followed, and upon the governor's departure for Adaes he remanded the case to the *alcalde*, ordering him to complete it, and send the records to the *asesor* — the interested parties paying the charges. The *alcalde* ordered the money collected, but Goras appealed to the *justicia mayor*, who finally ordered that the prisoner be released until he could gather his crop. This was done, and on March 4, 1734, all the parties concerned appeared before the governor and compromised the case.¹ From this it would seem that the *alcalde* could try cases and pronounce sentence in disputes between citizens of the villa, and that his decisions were not final, but could be appealed to either the governor or the *justicia mayor*. Examination of a number of trials shows that the process is much the same in every case. The appeal from the *alcalde's* decisions were usually carried to the governor's court, and then to the viceroy's.

In addition to the legislative and judicial powers exercised by the *alcaldes* of San Fernando, they had various administrative duties to perform. According to the laws of the *Recopilacion*, an *alcalde* could serve as governor upon the death or absence of that official, in case there was no lieutenant-governor.² Sometimes when the occasion arose at San Fernando an *alcalde* served as governor, but the office was most frequently filled by the *justicia mayor*. In 1791, Governor Muñoz was absent from the villa when the time came to install the new *cabildo*. The first *alcalde*, Ignacio Cavillo, acted as lieutenant-governor, and, as such, administered the oath of office to the new members. The *alcalde* was also a police officer.³ Among the duties he performed in this capacity may be mentioned the making of rounds at stated times with the assistance of certain officers.⁴ The *alcaldes* had to

¹*Expediente* in case of Joseph Padrón vs. Juan Leal Goras, 1733-4, Béxar Archives.

²*Recopilacion*, lib. V, tit. III, ley xii.

³Election report, 1791, Béxar Archives.

⁴This duty devolved also upon the *alcaldes* under O'Reilly's government. See *Ordinances and Instructions*, 259.

visit prisons, and to take all possible measures to prevent the commission of crimes within their jurisdiction; and they had also many duties to perform in connection with the management of the internal affairs of the *cabildo*. As president of this body the 1st *alcalde* had to be present at the election of his successor,¹ and to see that the archives of the *cabildo* were properly kept.²

The functions of the *alguacil mayor* of San Fernando, who like the *alcalde* had a vote in the *cabildo*,³ and was elected by it, may conveniently be considered next for the reason that the functions of these two officials were very closely connected. According to the laws of the Indies, the *alguacil mayor* was charged with the duty of making rounds at night,⁴ and of arresting culprits in obedience to the orders of his superior authorities.⁵ In regard to his duties the *Ordinances and Instructions of Don Alexander O'Reilly*⁶ say: "1. The *alguacil mayor* is an officer charged with the execution of sentences and judgments rendered, as well for payments ordered, taking possession of goods for sale, and imprisonment, as for the punishment of crimes. . . . 2. The recovery of moneys upon writ of execution, orders for taking possession of goods, and seizure of real property, shall be executed by the *alguacil mayor*. . . . 3. The *alguacil mayor* shall also have the superintendence of the prisons, [and] shall commission the jailors and keepers of prisons, after having presented them to the governor [for approval]. The *alguacil mayor* and his lieutenants shall go the rounds, and shall visit the public places, both by night and day, to prevent noises and disputes, under the penalty of being suspended from their offices, and payment of the damages that may result from their neglect. They shall arrest, without other authority, the offenders, and shall give immediate information thereof to the *alcaldes*. They shall not tolerate unlawful games, nor

¹Cf. *Recopilacion*, lib. V, tit. III, ley iii.

²Inventories of documents in Béxar Archives for 1745, 1746, 1762, and 1796, Nacogdoches Archives.

³Election report, 1750, Béxar Archives.

⁴*Recopilacion*, lib. V, tit. VII, ley viii.

⁵*Ibid.*, ley ix.

⁶263-264.

public and scandalous offenses. . . . 6. . . . He shall also assist with the judges ordinary at the visitation of prisoners, which shall be made at the times prescribed by the regulation." The duties exercised by the *alguacil mayor* of San Fernando must have been practically the same as those here enumerated. In fact, evidence could be adduced to prove that he actually performed nearly all of them. He was, however, a great part of the time relieved of his duties in connection with the superintendence of the prison and the care of the prisoners, owing to the fact that there was no jail for the town, and consequently the prisoners had to be kept in the presidial guard house.¹ His duties were therefore practically restricted to carrying out the orders of the governor, the *alcalde*, and the *cabildo*, and to preventing, as far as lay in his power, the commission of crimes.

The offices of *mayordomo* and *procurador* in the *cabildo* of San Fernando were held by the same person. When he was first appointed at the initial organization of the *cabildo* in 1731, he bore the title of *mayordomo de los bienes y propios de la república*. A little later he was called, without any apparent preference, *mayordomo* or *procurador* and even *síndico procurador general*. At New Orleans, however, the offices of *mayordomo* and that of *procurador* were separate. According to the *Ordinances and Instructions of Don Alexander O'Reilly*² the *procurador general* of New Orleans was "an officer appointed to assist the public in all their concerns, to defend them, to pursue their rights and obtain justice, and to pursue all other claims which have relation to the public interest." It was his duty, therefore, to see that the municipal ordinances were observed, and as far as possible, to prevent the occurrence of anything detrimental to the public welfare. In performing the last mentioned duty, he was to take steps, in the capacity of attorney, to recover debts and revenues due the city funds, to see that such officers of the *cabildo* as had to give bond should present the proper securities and that all should discharge their duties faithfully. According to the *Instructions* "he was to be pres-

¹Minutes of the *cabildo* for February 20, 1783, in *Libro en que se asienta lo acordado en el cabildo*, etc., 1785-1807, Béxar Archives.

²265.

ent at, and interpose in the directions of lands,¹ and other public matters to the end that nothing unsuitable or injurious might occur in the distribution of the same."

According to these same *Instructions*² it was the duty of the *mayordomo de propios* to manage the city funds, and to keep an account of all receipts and of all expenditures made for the account of the *cabildo*. These *Instructions* would probably serve to define the functions of the *mayordomo* and *procurador* of San Fernando also, but there is little evidence as to the duties he actually performed. A complaint made against the members of the *cabildo* in 1783 by Governor Cabello indicates some, at least, of the duties performed by the incumbent of the double office as *procurador*. The governor stated that because of the absence of this officer the settlements were not supplied with water from the *arroyo* either for drinking or for other purposes—especially for irrigating the lands from which funds for the villa were collected. Likewise all bridges over the *arroyo* and the irrigating ditches of the *presidio* and villa were neglected.³ At San Fernando, it was the duty of the *mayordomo* to collect the money arising from the lands belonging to the villa,⁴ but no evidence has been found to indicate that, previous to 1800, he managed these funds after they were collected, as the *mayordomo* at New Orleans was required to do by the *Ordinances and Instructions*. In one instance at least, these funds were turned over to the *regidor decano*.⁵ In 1799, in writing to the governor in regard to the functions of the various municipal officers of San Fernando, the *cabildo* stated that it was the duty of the *mayordomo* or *procurador* to attend to everything conducive to the cleanliness and neatness of the villa, and to collect the municipal funds.⁶ This combines the two definitions just given, and corresponds, in a general way, to those derived from

¹Cf. *Recopilacion, lib. IV, tit. XII, ley vi.*

²266.

³*Expediente* concerning the election for 1784, B  xar Archives.

⁴*Libro de Cavildo, etc., 1742-1749, Nacogdoches Archives.*

⁵Minutes for January 7, 1783, in *Libro en que se asienta lo acordado en el cabildo, etc., 1783-1807, B  xar Archives.*

⁶B  xar Archives.

the *Ordinances and Instructions* above quoted. The term *mayordomo* did not always refer to the officer of the *cabildo* who exercised the duties just enumerated. When plans were placed on foot for the building of a parish church at San Fernando, Vicente Alvarez Travieso, *alguacil mayor*, and Francisco de Arocha, *escribano*, were appointed as *mayordomos*; and, as such, they were charged with the duty of collecting money for building the church.¹

Although the *regidores* were primarily administrative officers, some of them exercised judicial power. By the laws of the Indies, in case of the absence or death of the *alcalde*, either the *alférez real* or the *regidor decano* could act as his substitute.² Many instances are found in which a *regidor* acted as *alcalde* at San Fernando, and although the documents do not always indicate that it was the *regidor decano* this may be safely assumed. As will appear later, one of the *regidores* exercised, as *alcalde provincial*, independent judicial power. There were six *regidores*, among whom the *alcalde* could apportion the various administrative duties not performed by himself, by the *alguacil mayor*, or by the *procurador* or *mayordomo*. Some evidence as to the way in which the work was most probably divided among them toward the end of the century has been found. In consequence of a royal decree issued May 3, 1797, ordering that salaries be fixed for the *regidores* of all the *ayuntamientos* of the Indies, the *cabildo* made a report to the governor in which they indicated the duties discharged by the various officers, and suggested the salaries that should be paid each. The apportionment of duties indicated by this report was as follows: The *regidor decano*, at times, served as *alcalde*, and saw that superior orders were carried out; the second *regidor* acted as *alcalde provincial*, and saw to the security of prisons; the third *regidor* acted as *fiel executor* and had charge of weights and measures; the fourth *regidor* was *depositario de los embargos*; the fifth *regidor* had charge of unclaimed property falling to the king; the

¹*Erección de la Parroquia de San Fernando de Béxar, año de 1738 in el Bejareño*, Tomo I, No. 9.

²*Recopilacion*, lib. V, tit. III, ley xiii.

sixth *regidor* had only to vote in the *cabildo*.¹ The apportionment of duties indicated by a list sent by the governor to Intendente Don Bruno Diaz December 11, 1799,² was as follows: The first *regidor* was the *regidor decano*; the second, *real alférez*;³ the third *alcalde provincial*; the fourth, *depositario general*;⁴ the fifth, *contador de menores*, and the sixth collector of funds for the *ramo de mesteñas*.⁵

The lists do not agree exactly, but the governor's list was probably a suggestion as to the way in which the duties might be divided, while that of the *cabildo* was a description of the actual apportionment at that time. It should be observed that the *alférez real* was included in the governor's list, but not in that of the *cabildo*. The governor's suggestion may have been followed; for Governor Herrera in writing to Nemecio Salcedo, November 11, 1811, suggested that six *regidores* be appointed at San Fernando among whom should be divided the offices of *alférez real*, *alcalde provincial*, *alguacil mayor*, and *fiel executor*.⁶ The office of *alférez* was, at least, kept in mind, but whether one was ever appointed or not can not be determined. With the apportionment shown by all these lists should be compared the statement of the duties devolving upon the *regidores* at New Orleans. According to the *Ordinances and Instructions of O'Reilly*⁷ six *regidores* were to be appointed, among whom were to be distributed the offices of *alférez real*, *alcalde mayor provincial*, *alguacil mayor*, and receiver

¹Report from the *cabildo* to Governor Juan Bautista de Elguezabal, December 10, 1799, Béxar Archives. For a description of the various offices here mentioned for the first time see the series of paragraphs following.

²Béxar Archives.

³Cf. *Recopilacion, lib. IV, tit. X, ley iv.*

⁴For the duties assigned this officer at New Orleans see the *Ordinances and Instructions of Don Alexander O'Reilly*, Section 8.

⁵The duties of this officer were practically the same as those assigned the 5th *regidor* in the preceding list.

⁶See *Expediente Mandado formar*, etc., Nacogdoches Archives.

⁷254.

of *penas de cámara*.¹ There was, however, no provision to indicate which *regidor* was to have any particular one of these offices.

The *regidor decano* presided over the *cabildo*, and exercised judicial authority whenever the first and second *alcaldes* were absent from the villa. In addition to this, as the election reports in the Béxar Archives show, he usually nominated men to municipal offices, and was, in most cases authorized by the governor to install the new officers after the *cabildo* had elected them.²

According to the list of officers sent by the *cabildo* to Governor Elguezabal, the second *regidor* served as *alcalde provincial*.³ As to the duties of what must have been the same officer at New Orleans, the *Ordinances and Instructions* of Don Alexander O'Reilly say:⁴ "The *regidor alcalde mayor*⁵ *provincial* shall bear the rod of justice, and shall have cognizance of crimes committed in the uninhabited places without the cities and villages. Thefts, robberies, carrying away of property by force, rapes, as also treason, assaults, accompanied by wounds, or followed by death, setting fire to or burning down houses or crops, and other crimes of this nature, shall be within the competency of the said *alcalde mayor provincial*. 2. He may also take cognizance of the afore-said crimes, although committed in cities, when the offenders have quitted the same, and have withdrawn to the country with their plunder; as also of murders or assaults committed on officers while in the exercise of their duties, or in the interval thereof, if the same are the effects of malice. If, however, the governor, or one of the ordinary judges of the city, shall have previously taken cognizance thereof, the *alcalde mayor provincial* shall not interfere therein, by reason that the jurisdiction of the same is vested in the ordinary *alcalde*. The judge, however, who shall have ap-

¹Fines forfeited to the royal treasury.

²Election report, 1750. For a case in which the installation was performed by an officer other than the *regidor decano* see *expediente* concerning the election for 1784, Béxar Archives.

³See *ante* p. 321-322.

⁴261.

⁵For the *explanation* of the presence of the term *mayor* see *Recopilacion*, lib. V, tit. IV, ley. i.

prehended the offender, shall have the preference therein, even if the other shall have preceded him. 3. Whenever it shall be known that the crime does not concern the tribunal of the *Santa Hermandad*,¹ the *alcalde mayor provincial* shall refer the cognizance of the same to one of the ordinary *alcaldes*, without waiting until he may be required thereto. 4. The *alcalde mayor provincial* shall see that travelers are provided with provisions at reasonable prices, as well by the proprietors of plantations, as by the inhabitants of the places through which they may pass. 5. The principal object of the institution of the tribunal of the *Santa Hermandad* being to repress disorders, and to prevent the robberies and assassinations committed in unfrequented places by vagabonds and delinquents, who conceal themselves in the woods, and attack travelers and the adjacent inhabitants, the *alcalde mayor provincial* should assemble a sufficient number of commissaries or brothers of the *St. Hermandad* to clear his jurisdiction of those kinds of people, by pursuing them with spirit, seizing, or putting them to flight. 6. For the purpose aforesaid, and conformably to the usages of the other Indian provinces within the domain of his majesty, the *alcaldes mayores provinciales*, their commissaries, and the brothers of the *St. Hermandad*, shall have the right of

¹The *Santa Hermandad* was a tribunal with original jurisdiction which punished crimes committed in unsettled districts. Originally it was a band of armed men organized to pursue criminals and highwaymen. There were two divisions of the organization, the *vieja* and the *nueva*. The first was organized during the minority of Alfonso VIII. of Castile by the citizens of Toledo and Talavera as a means of defense against certain robbers infesting the districts about Toledo and Sierra Morena. Various kings of Spain, continuously occupied in wars, and therefore, unable to attend to the security of the highways, gave their approval to this organization, bestowed upon it the name of *Santa Hermandad* because of its purpose and salutary influence, and granted it certain privileges. The *Nueva Hermandad* was instituted by the laws published at Córdoba on July 7, 1796. Its purpose was to punish criminals encountered in the mountains and on the highways. These laws regulated the workings of the *Hermandad* and converted it into a permanent organization. The *Nueva Hermandad* had a system of laws (*Constituciones y prontuario de los delitos*) which defined its jurisdiction. (See *Diccionario Enciclopédico Hispano Americano*; *Novísima Recopilacion de las Leyes de España*, lib. XII, tit. XXXV; *Leyes de la Nueva Recopilacion que no han sido comprendidas en la Novísima*, lib. VIII, tit. XIII.)

arresting, either within or without the city, all runaway negroes and fugitives, and may exact a reasonable fee therefor; which right shall not be vested in any other person save the master of the fugitive slave. The said fee is so much the more just, inasmuch as the *alcalde mayor provincial*, to comply with his duty, must at his own expense, travel through the unfrequented places, for the benefit of the inhabitants. 7. The said officer shall render speedy justice in all matters within his competency, and from his judgment there shall be no appeal; otherwise it would be impossible to remedy the consequences that would result therefrom. But, on the other hand, his judgments shall be pronounced in conformity with the spirit of the laws, to which end he shall consult some lawyer; but, in the interim, he shall be guided by the instructions herein contained, which relate to the administration of justice and the forms of proceedings. 8. This office of the *Hermandad* being created with a view to prevent those disorders which may be committed in unfrequented places, the *alcalde mayor* should make frequent excursions from the city. This duty consequently renders his employment incompatible with that of ordinary *alcalde*, to which he can not be elected, unless he shall have previously obtained permission of the king, to commit to a lieutenant, appointed by himself, the duties of *St. Hermandad*.¹

In 1760, Don Alverto Lopez was serving as *juez comisario de la hermandad y subdecano* of the villa of San Fernando.² As *juez comisario de la hermandad* he must have exercised practically the duties of the *provincial alcalde* as above defined.

It would seem from the list sent by the *cabildo* to Governor Elguezabal, that the third *regidor* or *fiel executor*³ had to oversee the markets for the purpose of preventing fraud in goods sold, either in quantity or quality; that the fourth *regidor*, or *depositario de los embargos* had to take charge of all goods seized by order of a

¹*Cf. Recopilacion, lib. IV, tit. IV; Novísima Recopilacion de las Leyes de España, lib. XII, tit. XXXV; los Codigos Españoles, lib. VIII, tit. XIII; and Appendix VII.*

²Proceedings in consequence of complaint of Juan Enrique before the first *alcalde*, Martin Lorenzo de Armas, against Pedro Qeón y Trillo for assault, 1760-1762, Béxar Archives.

³*Cf. Recopilacion, lib. V, tit. III, ley xi.*

judge when this measure was necessary to secure judgment; and that the fifth had charge of all unclaimed property falling to the king. The sixth *regidor*, since he had only to vote in the *cabildo* need not be discussed.

The *escribano* at San Fernando de Béxar, who was the only member not having a vote, acted both as secretary of the *cabildo* and as notary public. Hence, one can not always be sure, in any particular case considered, in which capacity he was acting. Francisco Joseph de Arocha was the first and only man who served as *escribano* at San Fernando during the eighteenth century. He kept the minutes of the *cabildo*, signing them with the other members.¹ He, likewise, drew up various legal documents, and took depositions in lawsuits before the *alcaldes*.² He also performed various duties assigned him by the *alcaldes* or by the governor. On one occasion, for instance, he went at the governor's order, with the *alcalde* and the *alguacil mayor* to see whether or not Juan Leal Goras had gone beyond the limits of his lands as charged by Joseph Padrón.³ He often served notice upon interested parties of the orders of the *alcaldes* and the governor. In New Orleans, the duty of preserving in the archives all the papers concerning the *cabildo* or its proceedings was assigned to the *escribano*.⁴ The evidence as to the method followed in this particular at San Fernando is scant. It is clear, however, that it was the duty of the whole *cabildo* to oversee the archives, and form inventories of documents contained therein. Arocha signed these inventories, as long as he served as *escribano*, with the rest of the *cabildo*.⁵ Other duties performed by this officer were the keeping of certain municipal and other accounts; but no records have been found of municipal accounts previous to eighteen hundred, and it cannot be proved that Arocha performed the duty in question, although

¹Minutes of the *cabildo*, in *Libro de cavildo*, etc., 1742-1749, Nacogdoches Archives.

²*Expediente* in case of Joseph Padrón vs. Juan Leal Goras, 1733-1734, Béxar Archives.

³*Ibid.*

⁴*Ordinances and Instructions of Don Alexander O'Reilly*, Section 8.

⁵Inventories for 1745, 1746, Nacogdoches Archives.

it is probable that he did, and that he also kept the archives in order, and that the *cabildo* inspected both at the end of each year.

In regard to the payment of municipal officers the information is too fragmentary to be of much value. It was the intention of the government to pay the salaries of the *regidores* out of the revenues from the town lands.¹ This land, however, could not have yielded any very large amount. Certain expenses of the *cabildo* also had to be paid from the same fund.² In 1745, because the existing town lands yielded little or no revenue, the *cabildo* decided to lay off new bodies of such lands which would be better situated and hence more productive. These new lands were to be divided into nine blocks which were to be rented at twelve *reales* each.³ Whether this means per week, month, or year cannot be determined. In any case, the amount would not have been large even if the fund were increased by money paid for water privileges, from money arising from fines, occupation taxes, etc. Then, when other necessary expenses were paid, such for instance as those incurred in the building of a municipal hall and prison,⁴ the *regidores* must have received small compensation for their services. Some of them may have received fees from other sources. According to the *Instructions of Don Alexander O'Reilly* the *alcalde mayor provincial* and the officers of the Saint Hermandad were to receive certain fees for signatures and sittings, the two *regidores* appointed to hear appeals were to receive pay for these same serv-

¹Appendix III.

²*Libro de Cavildo*, etc., 1742-1749, Nacogdoches Archives.

³*Ibid.*

⁴In 1742, the *cabildo* decided to build a municipal hall and a prison, and contracted with Antonio Rodriguez y Mederos to haul the stone for the building for one hundred and seventy *pesos*. In 1745, the same body contracted with Manuel de Caravajal to haul the stone for one hundred *pesos* as the first contract had not been fulfilled. In 1749, it decided, as there was no money to finish the municipal hall and the prison, to borrow a sufficient amount to roof and whitewash the buildings, promising to pay the money back as soon as any municipal funds were collected (*Libro de Cavildo*, etc., 1742-1749, Nacogdoches Archives.) This shows what straits the villa must have been in for money.

ices, while the depositary general was to be paid a certain per cent. of the money placed in his care.¹ Since no account-books of the *cabildo* have been found in the Béxar Archives for the period under discussion, one can not be sure that this custom was followed at San Fernando; and, if so, no idea of the amount these officers may have received can be formed. According to the *Ordinances and Instructions*, *escribanos* were likewise, to receive certain fees for drawing up legal documents, and performing certain other duties. This officer at San Fernando could not have received a very large amount; for, in 1757 Francisco Joseph de Arocha presented a petition to the *cabildo* praying to be relieved of the duties of his office on the ground that it did not yield enough to support his family.² In regard to what the *alguacil mayor* received the information is a little more complete. The *Ordinances and Instructions of O'Reilly* provided that the *alguacil mayor* should receive a sum amounting to one tenth of a debt in case there was any delay in the payment of the same after executions had been levied. He was, likewise, to receive certain amounts for arrests.³ In a meeting of the *cabildo* of San Fernando, February 20, 1783, it was decided that the prison fee of ten *reales* per prisoner, usually paid to the *alguacil mayor*, should be placed in possession of the *depositario de propios* to be kept for the purpose of building prisons, as the prisoners were at that time kept in the presidial guard house, and the *alguacil* was therefore relieved of this duty. Later in 1800, the *cabildo* decided to pay to the *alguacil mayor* eight of the ten *reales* usually paid for each prisoner.⁴ As to the payment of the *procurador* no evidence at all has been found.

¹*Table of Fees Demandable by Judges, Lawyers, Escribanos, Attorneys, and Other Officers of Justice*, appendix to *Ordinances and Instructions*.

²Béxar Archives.

³*Table of Fees*, etc., 288.

⁴*Libro en que se asienta lo acordado en el cabildo*, etc., 1783-1807, Béxar Archives.

APPENDIX I.

*Royal Dispatch Providing for the Transportation of the Canary Islanders to Texas, February 14, 1729.*¹

(Translation.)²

Royal Dispatch.

The King.

[To] Don Bartolome de Cazabna. [Casablanca] y Mesa, *Juez del Comercio de Indias* in the Canary Islands.

Marqués de San Miguel de Aguayo has informed me that, as a consequence of the French invasion of the Province of Texas and Nuevas Philipinas—in Nueva España—in 1719, which forced the soldiers stationed there as guards to abandon the [first named] province and the six missions erected in it, the Marqués de Valero, who was viceroy of that kingdom, at the time, made him in my name, governor and captain-general of the provinces above mentioned and of Coahuila; that when he had succeeded in pacifying these parts—the country of the Texas, Bahía del Espíritu Santo, and the *presidio* of San Antonio, the said provinces being again brought under my dominion—he left them fortified by the necessary *presidios*, one in the center of the Texas country with a guard of twenty-five men to protect the missions, one at Adaes with one hundred men, one at Bahía del Espíritu Santo with ninety men; and that this work was finished on the thirty-first of May 1722. He suggested, for the greater security of the provinces mentioned, and for the saving of expenses to the royal treasury, since there would be so many soldiers and *presidios* to maintain, that it would be a good plan for four hundred families to come from your Islands [the Canaries], from the city of Havana, and from the Province of Tlascala, and be distributed in Bahía de San

¹This title is supplied. The annotations of the appendices are mine throughout, as are the translations, except in II and IV.

²From a document in *Expediente Mandado formar*, etc., 1811, Nacogdoches Archives.

Antonio,¹ in all the missions, at Adaes, and among the Texas Indians; that, at the same time, a new mission, with a settlement of Spaniards and Tlascaltecs, should be founded half way [between San Antonio and the Texas country] in one of the following locations: la Añuila, or Nuestra Señora de Buena Vista, since the one hundred and seventy-two leagues between San Antonio and the first mission among the Texas Indians is unsettled. It seemed to him that, without these families, it would be hard to hold the province, which is one of the most valuable in America. It is very fertile in all kinds of grain, seed, and stock; and likewise rich in mines which can be worked. After the above mentioned report had been seen in my Council of the Indies, together with the opinion of the *fiscal* in regard to it, I was likewise consulted on the point; and, as it was remembered that by an order of March 18, 1732, issued *por la via reservada*, Don Juan Montero, who was then serving as *intendente ad interim* of those Islands, was given instructions that every register ship leaving the Islands for Campeche should carry over two hundred families of such persons as desired to volunteer to settle in the above mentioned places, in the Bay of San Bernardo, [or] Bahía del Espíritu Santo, and the Province of Texas, to be distributed proportionately in all these places; and that said families should be left in the port of Campeche from whence they should be carried to Vera Cruz in trading vessels, I have now resolved, that, for the peace and security of the aforesaid provinces, there should be sent from those Islands four hundred families, including the two hundred for whose departure I had previously provided by the above mentioned order of March 18, 1723. It must be understood that these additional two hundred families shall set sail from the Canaries in such register ships as may leave for the port of Havana, each vessel carrying ten or twelve families, and as many more as is possible, in order that from the said port they may be transported to the port of Vera Cruz, and from there they may travel by sea to the places which they are to settle and inhabit. I, therefore, command and order that you make known my royal will in those Islands, and see if there be families in them who desire to go by

¹It is probable that a line was omitted here, and that the reading should be Bahía del Espíritu Santo and the *presidio* of San Antonio, as above.

way of Havana to the places above mentioned. If they agree to this voluntarily, and in no other case [*y no en otra forma*], you shall arrange for the transportation of at least ten or twelve families in each register ship as above stated. Know that by dispatches I this day order the governor and royal officials of Havana, as soon as the families arrive at that port, to receive them and to give them such assistance as they may need, and to arrange for their transportation to Vera Cruz; and [that I also issue an order] to the viceroy of Nueva España that he shall see that the same measures are taken in his port, that he shall arrange for their transportation by sea to the places in which they are to settle, and that he shall provide them with what they may need for their maintenance for one year, until they plant their crops. He is, likewise, to see that they are cared for, and are given the proper treatment. This is my will. Likewise, you shall report, at the earliest opportunity, the receipt of this dispatch, and such measures as shall be taken in consequence.

Seville, February 14, 1729.¹

THE KING.

DON FRANKO. DIAS ROMAN.

By order of the King,

APPENDIX II.

*List of Canary Islanders taken at Quantitlan, November 8, 1730.*²

(Translation.)³

First Family.

1.—*Juan Leal Goras.* Son of Antonio Goras and Maria Perez, native of Lancerota island, 54 years old, tall, long face, thick

¹Copy issued at Teneriffe March 26, 1730, upon request of Juan Leal and other [heads of] families who wished to go to the above mentioned places for the purposes expressed.

²The title is supplied.

³This and appendix IV are literal copies of documents in the V. O. King Collection, now in the State Library of Texas. They were translated by Luis de Tejada from originals once on file in the office of the Secretary of State at Austin. De Tejada's affidavit appended to the translations is dated June, 1882. The originals can not now be found.

beard, dark complexion, sharp nose, blind in the left eye, black beard & hair, light grey eyes.

2.—*Vicente Leal*. Son of foregoing and Catharina Rodriguez decd., native of Lancerota, 18 years old, medium height broad shouldered, long face, beardless, aquiline nose, eyebrows meeting, light grey eyes, black curled hair, black eye-brows, dark complexion.

3.—*Bernardo Leal*. Son of Juan above, native of Lancerota, round face, 13 years old, flat nose, light grey eyes, chestnut eye-brows and hair.

Second Family.

4.—*Juan Curbelo*. Son of Domingo Curbelo and Maria Martin Enriquez, native of Lancerota, 50 years old, tall, broad-shouldered, full-faced, fair complexion, grey beard, & hair, light grey eyes, black eyebrows, rather bald, sharp nose.

5.—*Garcia Perdomo y Umpienes*. Wife of above, daughter of Marcos Perdomo y Umpienes and Maria Cabrera, native of Lancerota, 46 years old, medium height, large face, dark complexion, black eyes, aquiline nose, black hair & eyebrows.

6.—*Joseph Curbelo*. Son of above, native of Lancerota, medium height, 25 years old, broad-shouldered, full-faced, beardless, pitted with small-pox, sharp nose, light grey eyes, dark complexion, black hair & eyebrows.

7.—*Juan Francisco Curbelo*. Son of Juan above, native of Palma Island, 9 years old, fair complexion, round face, light grey eyes, chestnut eyebrows & hair, thick eyelids.

8.—*Maria Curbelo*.—daughter of Juan above, native of Lancerota, 13 years of age, small body, round-faced, dark complexion, red nose.

Third Family.

9.—*Juan Leal Jr.* Son of Juan Leal of the First family, native of Lancerota, 30 years old, medium height, broad-shouldered, dark complexion, long face, thick beard, sharp nose, meeting eyebrows, curled hair, black eyebrows & hair, eyes almost grey, blobber-lipped.

10.—*Garcia de Acosta*. (called also MARIA *de Acosta*), Wife of above, daughter of Peter Gonzales Cabezas, and Francisca de

Acosta, native of Teneriffe, 30 years old, tall, full-faced, fair complexion, light grey eyes, black hair & eyebrows, pointed nose.

11.—*Manual Leal* son of above, native of Lancerota, round face, 2 years old, dark complexion, aquiline nose, light grey eyes, chestnut curled hair, scar above the left eyebrow.

12.—*Miguel Leal*. Son of above native of Fuerteventura, round face, 10 years old, large grey eyes, meeting eye-brows, light chestnut hair, thin nose, scar at the end of the left eyebrow, blobber-lipped, black curled hair.

13.—*Domingo Leal*. Son of above, native of Palma island, round face, 7 years old, fair complexion, black eyes, reddish hair, flat nose, freckly face.

14.—*Pedro Leal*. Son of above, native of Havana, round face, 5 months old, fair complexion, black eyes, black hair & eyebrows.

15.—*Maria Leal*. daughter of above, native of Fuerteventura, 6 years old, round face, dark complexion, grey eyes, black hair & eyebrows.

Fourth Family.

16.—*Antonio Santos*. son of Simon & Anna Rodriguez, native of Lancerota, 50 years old, more or less, medium height, broad-shouldered, round face, dark complexion, large nose, black eyes, thin beard, black beard & hair, rather grey and curled, black eyebrows.

17.—*Isabel Rodriguez*. wife of above daughter of Domingo de Vargas and Leonor Rodriguez, 34 years old, native of Lancerota, tall, fair complexion, thin nose, round face, light grey eyes, black eyebrows & hair.

18.—*Miguel Santos*. son of above, native of Lancerota, about 17 years old, medium height, broad shouldered, round face, dark complexion, flat nose, light grey eyes, black eye-brows and curled hair.

19.—*Catharina Santos*. daughter of above, native of Lancerota, 12 years old, more or less, round face, dark complexion, black eyes, flat nose, black eyebrows, & hair, pitted with small pox.

20.—*Maria Santos*. daughter of above, native of Palma, about 7 years old, long face, dark complexion, grey eyes, thin nose, light chestnut hair & eyebrows.

21.—*Josepha Santos*. daughter of above, native of Lancerota,

about 2 years old, round face, flat nose, light grey eyes, chestnut hair & eyebrows.

Fifth Family.

22.—*Joseph Padron*. native of Palma, about 22 years of age, good figure, long face, dark complexion, black eyes, black hair & eyebrows, thin black beard.

23.—*Maria Francisca Sanabria*. wife of above, daughter of Luis Sanabria y Francisca Lagarda, native of Lancerota, about 22 years old medium height, slender, thin face, thin nose, light grey eyes, fair complexion, chestnut hair & eyebrows.

Sixth Family.

24.—*Manuel de Niz* (called also Manuel de Nistrosa) son of Juan and Andrea Mireles, native of Grand Canary, about 50 years old, medium height, broad-shouldered, long face, dark complexion, thin beard, flat nose, light grey eyes, black beard & hair, rather bald, black eyebrows.

25.—*Sebastiana de la Peña*. wife of above, daughter of Domingo de Leon, and Gregoria Suarez de la Peña, a little over 42 years old, good figure, dark complexion, long face, black hair, eyes & eyebrows, thin nose.

Seventh Family.

26.—*Vicente Alvarez Travieso*. son of Juan Alvares Travieso and Catharina Cayetano, native of Teneriffe, medium height, 25 years old, broad-shouldered, round face, thin nose, light grey eyes, thick beard, fair complexion, chestnut curled hair.

27.—*Maria Ana Curbelo*. wife of above, daughter of Juan Curbelo, and Gracia [*sic*] Perdomo Umpienes, native of Lancerota, about 18 years old, medium height, broad shouldered, fair complexion, long face, light grey eyes, chestnut hair & eyebrows, thin nose.

Eighth Family.

28.—*Salvador Rodriguez*, son of Francisco Rodriguez, and Isabel de los Reyes, native of Lancerota, about 42 years old, good figure, broad face, dark complexion, greenish eyes, thick beard, rather grey, black hair.

29.—*Maria Perez Cabrera.* wife of above, daughter of Domingo and Maria Perez, native of Lancerota, about 42 years old, good figure, long face, dark complexion, thin nose, light grey eyes, black hair & eyebrows.

30.—*Patricio Rodriguez.* son of above, native of Lancerota, about 15 years old, medium height, slender, dark complexion, light grey eyes, thin face, chestnut hair & eyebrows.

Ninth Family.

31.—*Francisco (de) Arocha.* son of Simon de Arocha and Angela Francisca, native of Palma, 27 years old, tall, long face, grey eyes, dark complexion, meeting eyebrows, thick beard, thin nose, black hair.

32.—*Juana Curbelo.* wife of above, daughter of Juan Curbelo and Garcia Perdomo de Umpienes, native of Lancerota, 14 years old, full faced, dark complexion, grey eyes, black hair & eyebrows, flat nose.

Tenth Family.

33.—*Antonio Rodriguez.* son of Juan and Maria del Carmen, native of Grand Canary, 18 years old more or less, medium height, broad shouldered, full-faced, fair complexion, pitted with small-pox, flat nose, grey eyes, chestnut hair & eyebrows, mole on right cheek.

34.—*Josefa de Niz.* daughter of Manuel de Niz and Sebastiana de la Peña, wife of above, native of Grand Canary, good figure, 19 years old, long face, pitted with small-pox, black eyes, hair & eyebrows, thin nose, dark complexion.

Eleventh Family.

35.—*Joseph Leal.* son of Juan Leal Goras and Louisa Hernandez, native of Lancerota, 22 years old, good figure, long face, dark complexion, thick beard, black hair & eyebrows, meeting of eyebrows, thin nose.

36.—*Ana Santos.* wife of above, daughter of Antonio Santos and Isabel Rodriguez, native of Lancerota, 15 years old more or less, medium height, broad shoulders, full face, fair complexion, lively grey eyes, flat nose, light chestnut hair and eyebrows.

Twelfth Family.

37.—*Juan Delgado*. son of Luis Delgado and Maria Melcan, native of Lancerota, 19 years old more or less, good figure broad shoulders, round face, dark complexion, meeting eye-brows, little beard.

38.—*Catharina Leal*. daughter of Juan Leal and Lucia Hernandez, wife of above, native of Lancerota, about 16 years old, medium height, dark complexion, flat face, flat nose, lively grey eyes, black hair & eyebrows.

Thirteenth Family.

39.—*Joseph Cabrera*. son of Manuel Cabrera and Maria Rodriguez, native of Lancerota, about 50 years old, medium height, broad shoulders, dark complexion, round face, flat nose, pitted with small-pox, grey eyes, chestnut hair and eyebrows, blobber-lipped.

40.—*Marcos (de) Cabrera*. son of above, native of Lancerota, about 6 years old, dark complexion, round face, black eyes, hair & eyebrows, flat nose.

41.—*Ana Cabrera*. daughter of above, native of Lancerota, about 13 years old, medium height, slender, long face, dark complexion, light grey eyes, chestnut hair, and eyebrows.

Fourteenth Family.

42.—*Maria Rodriguez-Provayna*. daughter of Manuel and Paula Umpienes, native of Lancerota, about 27 years old, good figure, slender, long face, fair complexion, black hair & eyebrows, thin nose.

43.—*Pedro Rodriguez Granadillo*. son of Juan Rodriguez and the above Maria, about 13 years old, good figure, fair complexion, broad shoulders, full face, light grey eyes, thin nose, light chestnut hair & eyebrows, pitted with small-pox.

44.—*Manuel Francisco Rodriguez (Granadillo)* son of Juan Rodriguez and the above Maria, native of Lancerota, about 3 years old, fair complexion, reddish hair, blue eyes.

45.—*Josefa Rodriguez Granadillo*, daughter of Juan Rodriguez

and the above Maria, native of Lancerota, full faced, about 10 years old, reddish flat nose, chestnut hair.

46.—*Paula Rodriguez Granadillo*. (also called *Pabla Rodriguez*) daughter of Juan Rodriguez and the above Maria, about 10 years old, native of Lancerota, fair complexion, flat nose, round face, black eyes hair & eyebrows.

47.—*Maria Rodriguez Granadillo*, daughter of Juan Rodriguez and the above Maria, 5 years old, native of Lancerota, round face, fair complexion, reddish hair & eyebrows, grey eyes.

48.—*Juan de Acuña*. (*Rodriguez Granadillo*) son of Jaun Rodriguez and the above Maria, native of Quautitlan, about 1 month old, round face, fair complexion, blue eyes, reddish hair & eyebrows, flat nose.

Fifteenth Family.

49.—*Mariana Meleano*. (called also *Maria Meleano*) daughter of Francisco and Ynes de Hoyos, native of Lancerota, about 30 years old, good height, fair complexion, long face, black eyes, hair & eyebrows.

50.—*Francisco Delgado*. son of Lucas and the above Mariana, native of Lancerota, about 16 years old, medium height, fair complexion, thin nose, light grey eyes, chestnut hair & eyebrows, two moles on the right cheek.

51.—*Domingo Delgado*. son of Lucas and the above Mariana, native of Lancerota, 2 years old, fair complexion, round face, reddish hair, thin nose, greenish eyes.

52.—*Leonor Delgado*, daughter of Lucas and the above Mariana, about 4 years old, native of Lancerota, round face, fair complexion, large black eyes, black hair & eyebrows.

Sixteenth Family.

Consisting of four single men.

53.—*Phelipe Perez*. son of Domingo and Maria Granados, native of Teneriffe, 20 years old, medium height, broad shoulders, long face, dark complexion, thin nose, blue eyes, black hair & eyebrows, large forehead.

54.—*Joseph Antonio Perez*. brother of foregoing and son of

the same parents, native of Teneriffe, 19 years old, good height, long face, thin nose, black hair eyes and eyebrows.

55.—*Martin Lorenzo de Armas* son of Roque and Teresa de Aviles, native of one of the Canary Islands about 20 years old, good height, broad shoulders, flat face, dark complexion, flat nose, long eyebrows, grey eyes, black beard, eyebrows & hair, three moles on the left cheek toward the nose.

56.—*Ignacio Lorenzo de Armas*. brother of the preceding and son of same parents, native of one of the Canary Islands, about 22 years old, good height, long face, dark complexion, thin nose, black eyes, beard & eyebrows and hair, pitted with the small-pox, several moles between the nose and the left cheek.

APPENDIX III.

Dispatch authorizing the governor of Texas, or, in case of his absence, the captain of the presidio of San Antonio, to examine the place in which is to be founded the settlement for which the fifteen families have come, and to measure, mark out the boundaries, assign lands, and do the other things ordered, in accordance with this dispatch.

(Translation.)¹

Don Juan de Acuña, etc.²
I now command the governor of the province [of Texas]³ Don Juan Antonio Bustillo y Bustamante, or in case of his absence, his failure to act, or of any other impediment, the captain of the *presidio* of San Antonio to go, as soon as the families shall arrive, taking such persons of intelligence as may be available, to examine the site a gunshot's distance to the western side of the *presidio*, where there is a slight elevation forming a plateau suitable for founding a very fine settlement. On account of its loca-

¹From *Sección de Historia, LXXXIV, Doc. 4.*

²For the power of the viceroy to grant lands to settlers see *Recopilacion, lib. IV, tit. XII, ley iv.*

³According to the laws, the lands granted by the viceroy could be distributed by the governor of a province, *ibid.*, *ley v.*

tion it will have the purest air,¹ and the freshest of waters flowing from two springs or natural fountains situated on a small hill a short distance north-east from the *presidio* of Béxar. From these are formed, on the east, the San Antonio River, and, on the west, the small river called the *Arroya* which flows to the south. These two rivers unite eight or nine leagues from their sources, and before joining the Medina River. Between these two streams the *presidio* is built. East of the river is the mission of San Antonio; while to the west of it is the mission of San Joseph from which one can go to the *presidio* without crossing the river; and since there is a church at the *presidio* which they can visit for that purpose, until a church is built for them, these families may attend the mass and and other catholic services [at that place] without the trouble of crossing the river.

The governor, after having examined the elevation and the plateau, shall survey the land, lay off the streets, the town blocks,² the main *plaza*, and the site for the church, the priest's house, the public hall, and the other buildings,³ shown on the map which is sent [with these instructions] to the end that, observing the measurement in feet and *varas* indicated in each direction for each block and street, and for the *plaza*, church, and public hall, he shall mark these out with a cord.⁴ In addition he shall make a furrow with a plow, and to distinguish every block from every other block, he shall place stakes in the four corners; and to mark the center of each block he shall dig a hole and place a stone in it. In the same way he shall mark off the site for the church, the public hall, and the *plaza*, taking care to make the streets straight and exact as shown on the map.

As soon as the fifteen families arrive, he shall give a block⁵ to each of them in order that each family may build its house

¹*Cf. ibid., tit. V, ley i.*

²As to the way the streets and blocks of a town were to be laid off see *ibid., tit. VII, leyes x and xii.*

³For the laws governing the situation of the *plaza* and the principal building see *ibid., leyes viii and ix.*

⁴*Cf. ibid., ley. i.*

⁵*Cf. ibid., tit. XII, ley i.*

thereon, indicating to them the limits marked out by the stakes so that they may not go beyond them. He shall assign the blocks facing the *plaza* to the principal families,¹ giving to each one of them possession and title to the corresponding block or lot by virtue of this order, so that it may enjoy its possessions. If the families desire at once to go to their lot, (which the governor shall encourage them to do, in order that they may more quickly build their houses) he shall see that the tent which each family carries, or the awning, or the hut of twigs which it may think more suitable for its dwelling,² be placed in the center of its block.

In addition to these blocks and streets, the governor shall, with cord and plow, mark out others for such families as may be added to these fifteen, or may desire to join them.³

Likewise he shall go with intelligent persons to examine the land suitable for cultivation adjoining the lands assigned as blocks for the settlement. These are to the north and south of the *presidio*. Having reserved as much as he may think necessary both for these families and for those who may come in the future, he shall set apart a sufficient amount for commons (*exidos*),⁴ so that if the population increases, the people will have ample recreation grounds, and room for the stock to graze without doing any damage.

In addition to these commons, he shall lay off sufficient lands for pastures (*dehesas*) on which to keep the work oxen, the horses, the stock for the slaughter-houses that may be subsequently built, and the other stock which by law the settlers are required to keep.

Coterminous with the pasture lands, he shall set apart others as the property of the *consejo* or *cabildo* (*propios*)⁵ which is to be formed from these families and those who may join them.

In addition to the pasture lands, he shall mark off the farm lands (*tierras de labor*) making just as many tracts as there are lots in the town. From the irrigable lands he shall make divi-

¹Cf. *ibid.*, *leyes v and x*.

²Cf. *ibid.*, *ley iii and tit. VII, ley xv*.

³Cf. *ibid.*, *ley xi*.

⁴Cf. *ibid.*, *tit. VII, ley xiii*.

⁵Cf. *ibid.*, *tit. XII, ley vi*.

sions (*suertes*), and distribute them in just proportion among the first settlers. The remainder shall be unappropriated lands (*valdías*) to be given to such families as may afterwards come. From the farm lands he shall reserve the amount he may think proper as public lands; so that from these public arable lands and from the above mentioned public pasture lands, which shall together compose the lands for the town, it may be possible to secure from the yield or rent, the salaries of the *regidores* and the expenses incident upon the public duties which the *consejo* has to perform.¹

In order that the division of lots, commons, pastures, and farm lands may be made with such exactness that it will be possible to apportion the lands destined for the inner town, as well as the irrigable, the non-irrigable, and the pasture lands; and in order that the settlers may have an equal share in each class, the governor, using the map on which there are marked out from the door of the church four exact squares—the laterals not being marked off (and these are sufficient for the families who are now coming and for those who may soon come)—shall measure from the door of the church, passing over the four squares above mentioned, one thousand and ninety-three usual *varas* containing three thousand two hundred and eighty geometric feet or *tercias* in a straight line from the church door in one direction, making up twelve blocks. From the door of the church, including the church itself, he shall measure one thousand and ninety-three *varas* in the opposite direction in which shall be included twelve other squares and streets. From the door of the church, on one side, he shall measure one thousand and ninety-three *varas* containing twelve other blocks and streets. From the same door, on the other side, he shall measure one thousand and ninety-three *varas* in which shall be twelve other blocks and streets—all of the same size, each block containing two hundred and forty feet square—every geometric foot equal to a third of a usual *vara*—and each street between the blocks forty feet wide. Having thus formed a cross with the church as a center, he shall make a square on the four sides of the whole area or plan with a cord one thousand and

¹*Cf. ibid., ley xiv.*

ninety-three *varas* long, and shall place at each of the four corners of the square a large stone in a hole which he shall have dug, in order that the plan destined for the present and future inner town may be marked out. He shall make a furrow with a plow along the four sides of the square marked by the cord, in order that willows and other trees may be planted to mark out the four sides of the area of the inner town. They will serve not only to beautify it, but as soon as they grow to the height of a man their branches will furnish shade to the settlers.

In order that the dwellings may be beautiful they shall be of the same size and similar to each other with *patios* and *corrals* in which the horses and other work animals of the owners may be kept. The houses shall be [adapted] for defense, for cleanliness and for the healthfulness of the inmates, and shall be built so that, as indicated on the map, the four winds north, south, east, and west may enter the four angles or corners of the town and of each of the houses, making them more healthful.¹

When this measurement has been made in the form and manner prescribed, the governor, using the usual *vara* of three *tercias* shall measure one thousand and ninety-three *varas* from each of the furrows which he has made at right angles to each other on the north-east, south-east, north-west, and the south-west in forming the square about the above mentioned plan, making this measurement in the same directions [as before], and placing large stones in the corners to mark the boundaries of the commons.

From these boundaries he shall begin another measurement, and lay off two thousand one hundred and eighty-six *varas*, that is, twice one thousand and ninety-three *varas* in the same directions, placing stones in holes in the corners of the square [thus formed] to mark the boundaries of the territory containing the lands destined for pastures. He shall set apart a fifth of this for *propios*.

From the boundaries of this square he shall begin another measurement, and mark off two thousand one hundred and eighty-six *varas* in each direction as above mentioned. All the land within this square he shall set apart for farms; and, having reserved one

¹Cf. *ibid.*, tit. VII, *leyes ix and xvii*.

fifth for town lands, he shall give the remainder to the fifteen families, assigning to each the tract which it should have for its farm.

The lands remaining after this measurement has been made, the governor shall declare unappropriated lands, so that from them grants may be made to the families who in future may desire to settle at that town.

To each of these fifteen families he shall give possession of the tract of land assigned it, and title to the enjoyment of the possession of the same in the name of his Majesty, and by virtue of this order, and *ley iv, tit. XII, lib. V*, of the *Recopilacion de Indias* charging each family to plant trees on the boundaries of its tract of land, and to make use of the waters of the above mentioned *Arroyo*, and of the San Antonio River. The governor must remember that, in this division, he shall apportion the tracts of land and the water equally among all the families, and that if, in any of the directions he can not make any one or any number of the squares, on account of the land being occupied, he shall make them in the other directions. He is, likewise reminded that this order must be kept in the strong box of the *consejo* or *cabildo*, so that what should be done in the future may always be evident. . . .

APPENDIX IV.

(Translation.)¹

A. D. 1731. July 11th at the "Presidio" of
of San Antonio de Bexar, Texas.

Record of the division and distribution of the lands between the San Antonio River and San Pedro Creek, having the advantage of being irrigated, among the fifteen families from the Canary Islands by the order of the governor—also the names of those 15 families.

Don Juan Antonio Perez de Almazan, Captain of said "Presidio" and Chief Justice of this jurisdiction say: that in conform-

¹See note 2 appendix II.

ity with the order at the beginning of these proceedings relating to the partition and distribution of irrigable and arable lands offered to be executed among the fifteen Islander families; in consideration that in the whole space and neighborhood corresponding to the four surveys I ordered to be made,¹ and which have been executed for this new settlement, there are not to be found any other arable lands than those situated between the San Antonio River and the San Pedro Creek which waters this "Presidio", which ground extends in form of Peninsula from north to south, which lands measured and surveyed with all possible care and accuracy, notwithstanding the difficulties encountered in some of the windings of said San Antonio River because of its being very timbered, I have found, as I have said in another report, ten "caballerias"² and three quarters of a "caballeria" of arable lands, every portion of it susceptible of being irrigated and cultivated, from which quantity of land, by my order of the eighth instant to that effect, a little more than two "caballerias" have been set apart as commons³ for this new settlement remaining free more than eight "caballerias" of land to be distributed between said families, reserving some more to be distributed in the future among settlers that may come to join these families; and in order to do it with the greatest equity and notwithstanding the survey made of all the lands of the "Potrero", it has been necessary to make two separate measures of said lands, one of them measured so as to show the lands clear and free from any timber, which was executed by me from the limits of the "Presidio" and in a line from north to south were found lands clear of timber and cultivated by the ancient settlers¹ of this "Presidio" excepting some windings, which have been cleared by said families, which land was found to measure twenty-four "cordeles" of seventy varas each in length, making one thousand six hundred and eighty usual

¹This doubtless means the surveys of the inner town, of the commons, of the farm land, and of the pasture land in accordance with the viceroy's order of November 8, 1730. (See appendix III.)

²See *Recopilacion*, lib. IV, tit. XII, ley i.

³See appendix III.

varas; which being distributed among the sixteen families of said Islanders, the number of which has been increased from fifteen expressed in the order to sixteen, four single men natives of said Islands, who were included in the roll and discription sent to me from Quantitlan, and who received and are receiving the assigned per diem having been reckoned as one family, for which reason they have been entered in said distribution of land among the sixteen families: and according to said distribution there was allotted to each one of said sixteen families one "suerte", or lot of land, hundred and five usual varas, wide making fifty-two and a half "brazas" (the usual measure in their Islands) and in length the distance from San Pedro Creek to the San Antonio River; and because of the windings of the said stream some of the "suertes" are larger than the others, lots¹ were cast with sixteen tickets, on each one of which a number was written from one to sixteen, and each one of these drew his lot in the following form and manner without any preference whatever—Joseph Curbelo drew the first "suerte"; Joseph Leal drew the second; Salvador Rodriguez drew the third; Juan Leal Junior drew the fourth; Antonio Rodriguez drew the fifth; Francisco Arocha drew the sixth; Vicente Chavez [Alvares] drew the seventh; Francisco Delgado drew the eighth; Manuel de Nis drew the ninth; Joseph Padron drew the tenth; Maria Rodriguez (widow,) drew the eleventh; Juan Delgado drew the twelfth; Antonio Santos drew the thirteenth; Juan Curbelo drew the fourteenth; Martin Lorenzo for himself and in the name of the three single men drew the fifteenth; Juan Leal Goras drew the sixteenth and last "suerte"; and in this way was made the partition aforesaid, of the lands cleared and cultivated by the first settlers of this Presidio, which I approve in the best form I can and must, and is vested in me by the superior order at the begining of these proceedings. And in order that the right of said sixteen families and their successors may be known at all times I have reduced it in writing and signed it with those of said families who know how to write and my as-

¹*Cf. Recopilacion, lib. IV, tit. VII, ley vi.*

sisting witnesses, acting with them as justice ex officio in default of a Notary Public in this jurisdiction to which I certify.

JUAN ANTONIO PEREZ DE ALMAZAN.

JUAN LEAL GORAS.

FRANCISCO DE AROCHA.¹

By request of JUAN CURBELO,

FRANCISCO ROCHA.

ANTONIO SANTOS.

VICENTE JUAREZ TRAVIESO.

JUAN DELGADO.

FRANCISCO JOSEPH DE AROCHA.

ANTONIO ESPRONCEDA.

SEBASTIAN MUNARRIZ.

APPENDIX V.

Dispatch ordering the governor of Texas,² or, in case of his absence, the captain of the presidio of San Antonio to make a new inspection of the fifteen families going to settle there, and to elect the municipal officers, and to perform the other duties expressed in this dispatch.

(Translation.)³

. . . This dispatch . . . authorizes the said governor to appoint from the heads of these fifteen families six persons as *regidores*, one as *alguacil mayor*, another as *escribano de consejo y publico*, and another as *mayordomo de los bienes y propios* of the commonwealth. They shall have power to elect two ordinary *alcaldes* to administer justice. These nine offices shall be given to the persons whom the governor shall consider most suitable for holding them continuously. The governor, in person,

¹In this list the signature of Francisco de Arocha will be recognized under three different forms. The first time he signs for himself, the second for Juan Curbelo, and the third apparently for Juan Delgado.

²*Cf. Recopilacion, lib. IV, tit. VII, ley ii.*

³From *Sección de Historia, LXXXIV, Doc. 4.*

shall be present at the first meeting of the *ayuntamiento* to administer the oath to the officers elect, as well as to install them into the offices to which he has appointed them. He shall send me a record of these elections for my approval, and shall, likewise, attend the first election — the election of the ordinary *alcaldes* — in order that he may give instructions as to the method of procedure to be followed in that settlement. He shall send a report of this to my superior government.

Mexico, November 28, 1730.

APPENDIX VI.

*Report of the appointment of the first cabildo of San Fernando de Béxar.*¹

(Translation.)²

I, Don Juan Antonio Pérez de Almazán, captain of the *presidio* of San Antonio de Béxar, and *justicia mayor* of this jurisdiction, etc., do certify that, exercising the power which, for this occasion, his Excellency, Marqués de Casafuerte, viceroy, governor, and captain-general of Nueva España confers upon me for electing and naming *regidores* and other individuals to form, constitute, and compose the *cabildo* of this new settlement do now, exercising the said power, elect and appoint, in the name of his Majesty, Juan Leal Goras, as first *regidor* of the six to be appointed, since he is one of the principal men among the fifteen Isleñas families and a person in whom are found all the qualifications and the standing necessary for the position. As such, he shall exercise his office in all cases and causes connected therewith and pertaining thereto in the same form and manner in which all other *regidores* of cities, villas, and *lugares* of Nueva España have exercised and enjoyed it, and as his Majesty (God save him) has decreed and ordered by royal *cédulas*. I command that the said Juan Leal Goras be, and be held as first *regidor*, and that he be granted all the

¹The title is supplied.

²From *Ramo de Provincias Internas*, XXXII, Doc. 11.

privileges, exemptions, prerogatives, and immunities belonging by right to the said office. This title, together with all other papers that may be drawn up, shall be put,—so as to be a record for all time, in the book of the *cabildo* which shall be formed, beginning with the original dispatch, and with the acts in pursuance thereof. A *verbatim* legal copy of all the preceding documents shall be sent to his Excellency, the viceroy of Nueva España, together with separate copies of these appointments for his approval, if he thinks it well, first making known to the officers-elect their duties and administering the oath for the faithful discharge of their duties according to law and the viceroy's order to me in his dispatch. In order to make a permanent record, I attach my signature and confer my authority with attesting witnesses, acting with them as *juez receptor*, since there is no notary in the jurisdiction in which this is dated, July 20, 1731.

JUAN ANTONIO PEREZ DE ALMAZAN

ANTONIO DE ESPRONCEDA

SEVASTIAN DE MUNNARIZ.

[Here follow similar documents recording the appointment of Juan Curbelo, 2nd *regidor*; Antonio Santos, 3d *regidor*; Salvador Rodriguez, 4th *regidor*; Manuel de Niz, 5th *regidor*; Juan Leal Alvarez, 6th *regidor*; Vicente Alvarez Travieso, *alguacil mayor*; Francisco Joseph de Arocha, *escribano de consejo y público*; and Antonio Rodriguez, *mayormodo*. The report then continues as below.]

In the royal *presidio* of San Antonio de Béxar in the governmental district of Texas and Nuevas Philipinas, on the first day of August, 1731, I, Don Antonio Pérez de Almazán, captain of the said *presidio* and *justicia mayor* of this jurisdiction do certify that, by virtue of the said commission and power which his Excellency, Marqués de Casafuerte, viceroy, governor, and captain-general of Nueva España, was pleased to confer upon me by his order of the 28th of November of the past year of 1730 (with which dispatch the formation of this book of the *cabildo* was begun), using this power, have made appointments of the *regidores* and other officers of the new *cabildo* as follows: Juan Leal Goras,

1st *regidor*; Juan Curbelo, 2nd *regidor*; Antonio Santos, 3d *regidor*; Salvador Rodriguez, 4th *regidor*; Manuel de Niz, 5th *regidor*; Juan Leal Alvarez, 6th *regidor*; Vicente Alvarez Travieso, *alguacil mayor*; Francisco Arocha, *escribano de consejo y público*; and Antonio Rodriguez, *mayordomo*.

All these assembled and were congregated at my house, since, as yet, there is no municipal hall in which to hold the elections of ordinary *alcaldes* as is required. Previous to the elections, I administered the oath of office in proper form to the nine officers, from the first *regidor* to the *mayordomo*. Standing and uncovered they made the sign of the cross in [*En*. This is probably a copyists' error for *con*, with.] their hands, swore to discharge their duties honestly and faithfully to the best of their knowledge and understanding, and accepted the duties and offices to which they had been appointed. Exercising these rights, in a meeting of the *cabildo*, held according to the manner, custom, and usage in all cities and villas in Nueva España, and according to law, the said *regidores*, making nominations freely because of the lack of eligible individuals and persons among the families,—but no one of them nominating or voting for himself—did nominate Juan Leal Goras and Juan Curbelo for first *alcalde*, and Salvador Rodriguez and Manuel de Niz for second *alcalde*. By legal election and vote, Juan Leal Goras received the greatest number of votes for first *alcalde* and Salvador Rodriguez for second.

The elections thus held, I do approve in the name of his Majesty (God save him) only so far as I have the power, and the right has been conceded me by the dispatch of his Excellency, the viceroy of Nueva España. This measure taken, I administered the oath of office, and they received it in proper form, promising to perform the duties of ordinary *alcaldes*, which they were elected, faithfully and of the best of their knowledge and understanding. I also handed over to them the insignia and rod for the administration of justice. I order that, in accordance with what has been decreed by his Excellency, an exact legal copy of this report of elections be taken and sent him, with records of the titles of the nine officers of the *cabildo* so that he may approve and confirm them if he think proper. The members who know

how to write sign with me. Those who do not know how make the sign of the cross.

JUAN ANTONIO PEREZ DE ALMAZÁN
 JUAN LEAL GORAS
 SALVADOR RODRIGUEZ+
 ANTONIO SANTOS
 MANUEL DE NIS+
 ANTONIO RODRIGUEZ+
 JUAN CURBELO+
 JUAN LEAL ALVARES+
 VICENTE ALVAREZ TRAVIESO
 FRANCISCO DE AROCHA

[Note in margin]

On October 24, 1731, ten dispatches of approval were issued: [for] six *regidores*, the *alguacil mayor*, the *mayordomo*, the *escribano de cabildo*, and the two *alcaldes*.¹

APPENDIX VII.

*Commission of Don Vicente Travieso as Juez de Campo.*²

(Translation.)³

It being proper, for better order and vigilance in the unsettled districts of this province, to appoint an *alcalde provincial* or a *juez de campo*, I have named for this office, Don Vicente Travieso, and have drawn up the following instructions: . . .

Instructions for the Jueces de Campo of the Province of Texas.

As it is necessary to repress the transgressions and crimes which are committed in the unsettled districts by runaways, vagabonds, and delinquents who escape to the woods in order to commit their crimes freely, with great injury to the *haciendas* or ranches and even to the settlements themselves, I have determined to appoint

¹There were eleven officers and nine offices. Why ten dispatches were issued is not clear.

²The title is supplied.

³From a manuscript in the Béxar Archives.

a *juez de campo*, who, with authority over the *sindics* of ranches, shall watch and see to the fulfillment of the duties of these, and observe and follow, on his own part, the following rules:

He shall have cognizance of thefts, robberies, carrying away of properties by force, and rape, as well as of murders, inflictions of wounds which may be through malice or treachery, and also of the burning of houses, grain, or other things, whenever the said crimes may be committed in unsettled districts—by this is meant every place not a villa or *lugar*—unless the government shall have had previous knowledge of the crime and shall commission some other person [as judge thereof.]

He shall see that the roads and ranches are kept free from the said class of people, pursuing them with spirit until he shall either arrest them, or put them to flight. I, therefore, order all the *sindics* of ranches and ever other person of any class whatsoever to obey and help him every way necessary for this purpose.

The fees which he is to receive for these arrests will be fixed by this government, according to the distances and circumstances.

He shall make frequent expeditions from this capital, visiting the district under his jurisdiction with the object of carrying out whatever may be ordered; and to recompense him in part for his work, he shall be exempt from all other municipal and public duties, and shall be given the preference in matters of privileges and grants that may be made to him, to his children and his descendants, provided that faithful service in favor of his country make him worthy of this distinction.

Persons who do not respect or who insult the person of the *juez de campo* shall incur the same penalties established in the case of all other judges; and persons who shall be injured or ill-treated by him shall come before this government, where they will be heard with the proofs they shall present—it being understood that if the complaint brought be proved to be without foundation and made only to calumniate the *juez*, the complainant shall be punished with all rigor, since the reputation of one exercising similar duties should never be compromised.

All *sindics* of ranches shall be obliged to give information to the *juez de campo* of occurrences worthy of mention and of of-

fences that may have been committed, every time the *juez* may present himself in, or pass through their respective jurisdictions. If they do not do this, they shall be responsible for the result and shall be subject to the penalty that should be imposed.

San Fernando de Béxar.

July 21, 1810.